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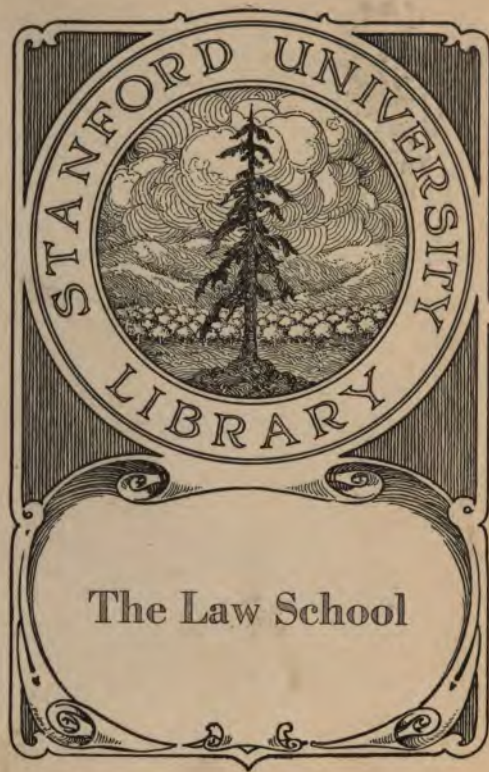
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Canada collection - Quebec
STATUTES

OF THE
PROVINCE OF QUEBEC

PASSED IN THE SESSION HELD IN THE
THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE SECOND PARLIAMENT,

BEGUN AND HOLDEN AT QUEBEC, ON THE 7th DAY OF NOVEMBER, IN THE YEAR OF OUR LORD ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.



THE HONORABLE SIR NARCISSE FORTUNAT BELLEAU, KNIGHT,
LIEUTENANT-GOVERNOR.

QUEBEC:
PRINTED BY CHARLES FRANÇOIS LANGLOIS,
PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN.

ANNO DOMINI, 1871.

L 9645
AUG 9 1934

VRASBL 080741Z



ANNO TRICESIMO-QUINTO,

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-three, and for other purposes connected with the Public Service.

[Assented to 23rd December, 1871.]

MOST GRACIOUS SOVEREIGN :

WHEREAS, it appears by messages from the Honorable Preamble.
Sir Narcisse Fortunat BELLEAU, knight, lieutenant governor of this province of Quebec, and the estimates accompanying the same, that the sum hereinafter mentioned is or may be required to defray certain expenses of the government of this province, not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-three, and for other purposes connected with the public service : may it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that :

1. From and out of the consolidated revenue fund of \$1,752,440.32
this province, there shall, and may be paid and applied, a applied to purposes mentioned in schedule.
sum not exceeding in the whole one million, seven hundred and fifty-two thousand four hundred and forty dollars and thirty-two cents, for defraying the several

charges and expenses of the civil government and public service of this province, or which, in the interest of the public service, may require to be so paid and applied, whether for account of this province or otherwise, for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-three, which are set forth in the schedule to this act, and for the other purposes therein mentioned.

Payments not to be deemed debts of the province, but to be subject to future settlement of accounts with the Dominion and Ontario.

2. Nothing herein or in the said schedule contained, nor yet any payment or application whatever of moneys hereby appropriated, or of any part thereof, shall be held to import that such moneys are so paid or applied for charges or expenses of this province properly so called, or are not otherwise provided for, or are to be finally carried to account of the said consolidated revenue fund; but on the contrary, every such payment and application shall be held only to be made provisionally from such fund, and subject to all rightful adjustment in account hereafter, in respect of the Dominion and of the province of Ontario, and of all special funds which the same may at all affect, and otherwise.

Accounts to be rendered to legislature.

3. Accounts in detail of all moneys expended under the authority of this act, shall be laid before both houses of the legislature of this province, at the then next session thereof.

Account to Her Majesty.

4. The due application of all moneys expended under the authority of this act, shall be accounted for to Her Majesty, her heirs and successors, through the lords commissioners of Her Majesty's treasury, in such manner and form as Her Majesty, her heirs and successors, shall be pleased to direct.

SCHEDULE.

SCHEDULE.

Sums granted to Her Majesty by this Act, for the current financial year, and purposes for which they are granted.

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
I. LEGISLATION.			
Legislative Council.		37,751 00	
Legislative Assembly.....		97,000 00	
Expenses of Elections.....		2,040 00	
Parliamentary Library.....		5,000 00	
Clerk of the Crown in Chancery :			
Salary.....	600 00		
Contingencies	400 00	1,036 00	
Printing, binding and distributing the laws ..		5,400 00	
Law Clerk :			
Salaries of office.....	2,600 00		
Contingencies (comprising sessional clerk and a messenger).....	845 00	3,445 00	
Total Legislation.....			147,796 00
II. CIVIL GOVERNMENT.			
Public Departments ; Salaries and Contingencies			132,325 00
Carried over.....			\$280,121 00

SCHEDULE—(Continued.)

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....			280,121 00
III. ADMINISTRATION OF JUSTICE, &c.			
Administration of Justice.....		293,238 00	
Police, (covering statutory appropriation and including Provincial Police).....		41,030 00	
Reformatory Prison St. Vincent de Paul ; Maintenance.....		33,000 00	
Prison Inspection.....		3,600 00	
Total Justice, Police and Reformatories, &c.....			370,868 00
IV. EDUCATION, &c.			
<i>E'ucation</i>			
<i>(Covering Statutory Appropriations.)</i>			
Superior Education.....	71,000 00		
Common Schools.....	145,000 00		
Schools in poor Municipalities.....	8 00 00		
Normal Schools.....	42,500 00		
Salaries of School Inspectors.....	20,500 00		
Books for prizes.....	2,500 00		
Journals of Education.....	2,400 00		
Superannuated Teachers.....	5,100 00		
High Schools, Quebec and Montreal.....	2,470 00		
Compensation to Roman Catholic Institutions for grant to High School, to be distributed by Order in Council.....	4,940 00		
<i>Literary and Scientific</i>		304,410 00	
Medical Faculty, McGill College, Montreal.....	750 00		
School of Medicine, do	750 00		
Natural History Society, do	750 00		
Montreal Historical Society, do	400 00		
Numismatic and Antiquarian Society do	100 00		
Literary and Historical Society, Quebec.....	750 00		
Aid towards publication of <i>Le Naturaliste Canadien</i>	200 00		
Academie de Musique, Quebec	100 00		
<i>Arts and Manufactures.</i>		3,800 00	
Board of Arts and Manufactures.....		3,000 00	
Total Education, &c.....			311,210 00
Carried forward			\$965,169 00

SCHEDULE.—(Continued.)

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought forward			935,169 00
V. AGRICULTURE, IMMIGRATION AND COLONIZATION.			
<i>Agriculture.</i>			
Agricultural Societies, &c., (covering statutory appropriations)	50,000 00	✓	
Board of Agriculture	4,000 00		
Agricultural Schools, two French and one English	2,400 00		
Immigration		56,100 00 20,000 00	
<i>Colonization.</i>			
Colonization Societies; (covering statutory appropriations)	15,000 00		
Colonization Roads, 1st class	90,000 00		
do 2nd do	23,000 00		
do 3rd do	10,000 00		
Colonization Railways; (covering statutory appropriations.)	15,000 00		
Ste. Anne des Monts to Fox River Road (Gulf Coast Road.)	4,000 00		
		157,000 00	
Total Agriculture, Immigration and Colonization			233,400 00
VI. PUBLIC WORKS AND BUILDINGS.			
Rents, Insurances, Repairs, &c., of Public Buildings generally		32,680 00	
Inspections and Surveys		4,000 00	
Public Departments; towards purchase or alterations of buildings		50,000 00	
Montreal Registry Office,		8,000 00	
<i>Chargeable to the Building and Jury Fund for each District concerned.</i>			
Rents of Court Houses and Gaols	120 00		
Insurances of do	3,000 00		
Repairs of do	10,800 00		
Gaol for females, Montreal	40,000 00		
Montreal Gaol, to increase the height of walls and for a guard house	5,000 00		
Bonaventure Court House and Gaol, to complete	5,400 00		
Gaspé do do	5,000 00		
Quebec Court House; to enlarge the same,	7,000 00		
Carried over	\$76,520 00	94,680 00	1,198,569 00

SCHEDULE.—(Continued.)

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	76,520 00	91,680 00	1,198,569 00
VI. PUBLIC WORKS AND BUILDINGS.—Continued.			
Quebec Court House; for stone pillars and chains, &c..	300 00		
Sherbrooke do to construct a room for Library..	1,200 00		
Three Rivers do do a wing	1,700 00		
Court Houses and Gaols, New Districts	6,000 00	85,720 00	
Total Public Works and Buildings...			180,400 00
VII. CHARITIES.			
Beauport Lunatic Asylum.....	114,000 00		
St. John's do	22,000 00		
Belmont Retreat Inebriate Asylum, Quebec.....	460 00		
Marine and Emigrant Hospital, Quebec.....	4,600 00		
Miscellaneous.		140,400 00	
Corporation of the General Hospital, Montreal...	4,000 00		
Deaf and Dumb Institution, Catholic, do ...	3,200 00		
Do. do. Protestant, do ...	1,000 00		
Indigent Sick, do ...	3,200 00		
St. Patrick's Hospital, do ...	1,600 00		
Sœurs de la Providence, do ...	1,120 00		
St. Vincent de Paul Asylum, do ...	600 00		
Protestant House of Industry and Refuge, do ...	800 00		
St. Patrick's Orphan Asylum, do ...	640 00		
University Lying-in Hospital, do ...	480 00		
Magdalen Asylum, (Bon Pasteur) do ...	720 00		
Roman Catholic Orphan Asylum, do ...	320 00		
Sœurs de la Charité, do ...	800 00		
Do. do. for their foundling hospital (as long as there is none in Quebec) do ...	400 00		
Protestant Orphan Asylum, do ...	640 00		
Lying-in Hospital, care Sœurs de la Miséricorde, do ...	480 00		
Bonaventure Street Asylum do ...	430 00		
Nazareth Asylum for the Blind and for destitute children, do ...	820 00		
Dispensary do ...	320 00		
Carried forward.....	\$21,580 00	140,400 00	1,378,969 00

SCHEDULE.—(Continued.)

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	21,580 00	140,400 00	1,378,969 00
VII, CHARITIES.—Continued.			
Ladies' Benevolent Society for Widows and Orphan phans (including late House of Refuge), Montreal...	850 00		
Home and School of Industry, do ...	320 00		
St. Bridget Asylum, do ...	300 00		
Frères de la Charité de St. Vincent de Paul, do ...	500 00		
Hospice de Bethléem, do ...	400 00		
Hospice de la Miséricorde, Fullum Street do ...	200 00		
Protestant Infants' Home, do ...	400 00		
Charitable Ladies' Association of the Roman Catholic Orphan Asylum, Quebec...	800 00		
Indigent Sick, do ...	3,200 00		
Asylum of Good Shepherd, do ...	800 00		
Hospice de la Maternité, do ...	480 00		
Ladies' Protestant Home, do ...	420 00		
Male Orphan Asylum, do ...	420 00		
Finlay Asylum, do ...	420 00		
Protestant Female Orphan Asylum, do ...	420 00		
St. Bridget Asylum, do ...	500 00		
Canada Military Asylum, do ...	160 00		
Dispensary, do ...	200 00		
Hôpital St. Sauveur, do ...	1,000 00		
Indigent Sick, Three Rivers.....	2,500 00		
Sœurs de la Charité, for foundling hospital, Three Rivers...	200 00		
General Hospital, Sorel.....	500 00		
St. Hyacinthe Hospital, St. Hyacinthe.....	500 00		
Hospice Youville, St. Benoit.....	200 00		
Asile de la Providence, Côteau du Lac.....	280 00		
Hospice St. Joseph, Beauharnois.....	200 00		
Hospice Ste. Marie, Ste. Marie de Monnoir....	200 00		
Asile de la Providence, Mascouche.....	200 00		
Hôpital St. Jean, St. Jean.....	200 00		
Carried over.....	\$ 38,270 00	140,400 00	1,378 969 00

SCHEDULE.—(Continued.)

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	38,270 00	140,400 00	1,378,969 00
VII. CHARITIES.—Continued.			
Hospice La Jemmerais, Varennes.....	200 00		
Hospice des Sœurs de la Providence, St. Vincent de Paul.....	200 00		
Hôpital de la Providence, Joliette.....	200 00		
Hospice de Laprairie, Laprairie.....	200 00		
Hôpital St Joseph, Chambly.....	200 00		
Asile de la Providence Ste. Elizabeth.....	200 00		
Sœurs de la Providence de l'Hospice N.-D. de l'Assomption...	200 00		
Hôpital de la Providence, Ste. Elizabeth.....	200 00		
Asile de la Providence, Ste Ursule.....	200 00		
Hôpital Ste. Anne Lapocatière.....	200 00		
Ouvroir de St. Hyacinthe.....	200 00		
Hospice Yamachiche, Yamachiche.....	200 00	40,670 00	
Reformatory Schools.....	5,940 00		
Industrial Schools.....	8,400 00	14,340 00	
Total Charities.....			196,410 00
VIII. MISCELLANEOUS SERVICES.			
Quebec Official Gazette.....		7,600 00	
Arbitration under Constitutional Act.....		5,000 00	
Miscellaneous.....		20,000 00	
Miscellaneous Services.....			32,600 00
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.			
Special Exploratory Survey for continuation of Gosford Road.....		4,000 00	
To meet demands on Municipalities' Fund C. S., L. C. cap. 110, sect. 7.....		3,000 00	
Registration Service.....	18,202 00		
Surveys.....	24,000 00		
General expenditure by Crown Lands Department (including Jesuits' Estates, Clergy Lands, Crown Domain, Seignior of Lanson and Woods and Forests,.....	50,100 00		
Stamps, Licenses, &c.....		92,302 00 3,000 00	
			162,332 00
To cover special warrants for expenditure already made belonging to fiscal year ended 30th June, 1871 See Public Accounts 1871, page 86.....			\$ 1,709 281 00
		48,159 32	

CAP. II.

An Act to amend the Quebec License Act.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Whenever, as regards the cities of Quebec and Mon- Lieut.-gov.
 treal, the lieutenant-governor in council shall have passed may permit
 an order to that effect, the proper revenue officer shall, the issuing of
 upon receipt of the duty and fees hereinafter mentioned, shop licenses
 issue on demand to any person entitled to hold a shop in Quebec and
 license, under section twenty of the Quebec License Act, a Montreal for
 license for retailing, in any one shop, store or place, the sale of
 to be accurately described in such license, spirituous, liquor in quan-
 vinous, or fermented liquor, in quantities not less than ties not less
 one-half pint, at any one time, and not to be drunk on the than one-half
 premises ; provided, however, that in the city of Montreal pint.
 the person applying for such license shall produce and
 file, with the revenue officer, a written permission from the
 board of license commissioners, authorizing him to obtain
 the same.

2. The provisions of the Quebec License Act, respecting Certain pro-
 the issuing, form, duration, and annulling of licenses, the visions of Que-
 fees payable thereon, the reduction of duties payable there- bec license act
 for, and the application of such duties, shall apply in like to apply to
 manner to, and in respect of, the licenses issued under such licenses.
 this act.

3. Sections thirty-one and thirty-three of the Quebec Secs. 31 & 33
 License Act shall apply to persons holding a license under of said act to
 this act, as fully and in the same manner as if the words apply as if
 "three half-pints," in the said section thirty-one, had been "one-half
 struck out, and the words "one half pint," substituted in- pint" was
 stead thereof. mentioned.

4. There shall be paid to the revenue officer, by every \$20 extra to be
 person who takes out a license under this act, the sum of paid for said
 twenty dollars over and above the amount payable by him license.
 for a shop license under section one hundred and twenty-
 five of the Quebec License Act.

5. Any municipal council other than the corporations of Municipalities
 Quebec and Montreal, may demand and receive from the other than
 applicant a sum not exceeding twenty dollars, for every Quebec and
 certificate confirmed by such council, under the provisions Montreal may
 of sections seven and twenty of the Quebec License Act. charge for
certificates.

Q. L. A., sec.
151, amended.

6. Section one hundred and fifty-one of the Quebec License Act, is hereby amended by inserting after the word "committed," in the seventh line thereof, the words "or by any private individual," by inserting the words "or private individual," after the word "council," in the ninth line thereof, and by inserting the words "or private individual," after the word "council," in the fourteenth line of the said section.

Q. L. A., sec.
13, amended in
French.

7. The French version of section thirteen of the Quebec License Act is hereby amended, by striking out the words "du juge des sessions" in the sixth and seventh lines thereof.

Lieut.-gov.
may acquire
or build
magazines.

8. The lieutenant-governor in council may, through such officer or person as he may appoint for that purpose, acquire from the government of the Dominion of Canada, or from any person or persons, or may cause to be built, one or more powder-magazines within this province.

Lieut.-gov.
may appoint
and pay
persons for
keeping, &c.

9. The lieutenant-governor in council may also appoint, employ, or hire such officers or persons as he may deem necessary for the proper watching, keeping, and service of any such magazine, at such salaries, rates, or wages as he may deem fit.

Such maga-
zines may be
held by gov-
ernment or
leased.

10. Such magazines may be held and kept, on account of the province, through officers or persons mentioned in the preceding section, or may be leased to private individuals or companies, upon such terms, for such rent, and in such manner, as may be fixed by the lieutenant-governor in council, and shall in either case be subject to the provisions of the Quebec License Act, except sections one hundred and six and one hundred and eight of the said act, which shall not apply to them.

Q. L. A. to
apply, except
secs. 106 and
108.

Lieut.-gov. to
fix rates for
storage of
gunpowder.

11. The rates which may be demanded and received, for the storage of gunpowder in such magazines, may be regulated by order of the lieutenant-governor in council.

Lieut.-gov.
may grant aid
for building of
magazines.

12. The lieutenant-governor in council may, on such terms and conditions as he may deem proper, authorize the payment by the treasurer of a subsidy to any one or more persons, to aid in the building, at or near the city of Quebec, or the city of Montreal, of any magazine or magazines, under the said Quebec License Act; provided no such subsidy shall exceed in amount one-third of the cost of any such magazine, and that the plans, specifications, the giving out to tender, and the contract, for any such building, shall previously have been approved by the commissioner of agriculture and public works. Section one hundred and eight of the Quebec License Act shall not apply to such last mentioned magazines.

Proviso.

Sec. 108 Q. L.
A not to apply.

13. The lieutenant-governor in council may, from time to time, but subject to such conditions and regulations as he shall deem expedient and prudent, permit the storage of gunpowder, in quantities over one hundred pounds, in the vicinity of public works, or railways or canals, or other like works of a public nature, or in the country parts generally, and exempt such storage, in the case of each particular work, from the operation of any or all of the provisions of the Quebec License Act.

Lieut.-gov. may permit storage of gunpowder near public works.

C A P. I I I.

An Act respecting Marriage Licenses.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In so far as regards the solemnization of marriage by Protestant ministers of the Gospel, all marriage licenses shall be issued from the office of the Provincial Secretary, under the hand and seal of the Lieutenant-Governor, who, for the purposes of such licenses, shall be the competent authority under article 59 of the Civil Code.

Marriage licenses to be issued by Prov. Sec., and signed by Lieut Gov.

2. In so far as regards the solemnization of marriage by Protestant ministers aforesaid, no marriage license issued in any other manner, or from any other authority, shall be necessary.

No other license necessary.

3. The licenses issued under this act shall be furnished by such persons as the Lieutenant-Governor in Council shall name for that purpose, to all persons requiring the same, who shall previously have given bond, together with two sureties being householders, and in the form appended to this act.

Persons to be named to furnish licenses.

4. Every person furnishing such licenses shall, for every license, receive, from the person requiring the same, the sum of eight dollars, out of which sum he shall retain, for himself, such portion, not exceeding two dollars, as the lieutenant-governor shall allow, and he shall pay over the remainder of the said sum to the treasurer of the province, at such time or times as the said treasurer shall direct.

Fee \$8, of which at least \$6 payable to Treasurer.

5. The sums so paid over to the treasurer shall be by him paid over annually, at such time and in such manner that the same shall be apportioned among the institutions of superior education, by the Minister of

Moneys to be applied to Protestant Superior Education.

Public Instruction, under authority of the Lieutenant-Governor in Council, in addition to and in the same manner as any sums or aid granted by law for the purposes of Protestant superior education in this province.

License shall protect minister from damages when he is unaware of impediment.

6. No minister who has performed any marriage ceremony, under the authority of a license issued under this act, shall be subject to any action or liability, for damages or otherwise, by reason of there being any legal impediment to the marriage, unless, at the time when he performed such ceremony, he was aware of the existence of such impediment.

Act to come into force 1st July, 1872.

7. This act shall come into force on the first of July, one thousand eight hundred and seventy-two, and not before.

F O R M.

PROVINCE OF QUEBEC—SS.

KNOW all Men by these presents, that we,
are held and firmly bound, jointly and severally, unto Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, in the sum of Eight Hundred Dollars, of current money of this Province, to be paid to Her said Majesty, Her Heirs and Successors ; for the which payment, well and truly to be made, we do bind ourselves, and each of us by himself, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated at QUEBEC, the day of in the year of Her Majesty's Reign, and in the year of Our Lord, one thousand eight hundred and

The Condition of this Obligation is such, That whereas the above bounden

hath obtained a License of Marriage for himself and now if it shall not appear hereafter that they, or either of them, the said and have any lawful let or impediment, pre-contract, affinity or consanguinity, to hinder their being joined in Holy Matrimony, and afterwards their living together as Man and Wife, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

.....
.....
.....

Signed, Sealed and Delivered
at Quebec, in presence of

CAP. IV.

An Act to fix the time at which the Statutes of this Province shall come into force.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Every statute of this province, [whenever its commencement is not otherwise therein provided for,] shall, if it be not reserved, come into and be in force on and from the sixtieth day after the day on which it was assented to, and, if it has been reserved and afterwards assented to, then, on and from the tenth day after the day on which it was published in the *Quebec Official Gazette*, together with the proclamation announcing such assent.

Statutes assented to and not reserved.
Statutes reserved and afterwards assented to.

2. This act shall not be deemed inconsistent with, nor be in any way affected by, article 2 of the civil code.

Art. 2, C. C. not inconsistent with this.

3. This act shall not apply to the statutes of the present session.

Act not to apply to statutes of this session.

CAP. V.

An Act respecting Judicial and other Deposits.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The treasury department shall be a general deposit office for the province, in so far as regards deposits to be made in virtue of this act.

Treas. dep. to be general deposit office.

2. Immediately upon any deposit being made with the treasurer under this act, he shall give the depositor a receipt, and, in the case of registered rights, a duplicate receipt, specifying the amount deposited and the nature and cause of the deposit, and such receipt may be in such form as the treasurer may from time to time regulate.

Deposit receipt to be given.

3. The deposit receipt shall be *prima facie* evidence of the deposit and of the facts it purports to certify.

Receipt to be prima facie evidence.

4. Every prothonotary or clerk of the circuit court who shall, as such, have received, by way of judicial deposit,

Prothonotaries and clerks to

deposit all
sums over \$100
and file the
receipt.

or otherwise, any sum of money exceeding one hundred dollars, shall forthwith deposit such sum of money with the treasurer of the province, and shall file in the record of the cause or proceeding, in which he received such sum, the deposit receipt of the treasurer.

Sheriffs to de-
posit sums over
\$100.

5. Every sheriff who shall, as such, have received any sum of money exceeding one hundred dollars, whether the same arises from a judicial sale, or any other proceeding had in the execution of any duty of his office, shall, unless such sum of money shall have legally been paid over by him before the making of his return in respect thereof, deposit such sum of money with the treasurer of the province, and shall, within six days after making his return, file, in completion thereof, the treasurer's deposit receipt for the said sum.

Deposit re-
ceipt to be
filed.

§3 of art. 283
C. C. P. re-
pealed.

6. The third paragraph of article 883, of the code of civil procedure, is hereby repealed.

How treasurer
shall pay over
sums so de-
posited.

7. Whenever an authentic copy of a competent judgment or order, providing for the payment or distribution of any sum deposited with the treasurer, in virtue of either of the preceding sections, or a written consent signed by all the interested parties in the case, and certified by the prothonotary or clerk, shall have been filed with the said treasurer, and no notice of an appeal or of an opposition shall have been filed with him, he shall, within fifteen days, distribute the said sum accordingly, by delivering to the sheriff or prothonotary, as the case may be, his orders or cheques in favor of each party mentioned in the judgment, for the amount awarded such party by such judgment.

In the event of a notice of appeal or of an opposition having been filed with him, he shall withhold the moneys until a copy of the judgment upon such appeal or opposition, or a consent of all the parties interested, shall have been filed with him.

When creditor
refuses or is
absent, debtor
may deposit
the sum.

8. Whenever any person desires to pay any sum of money, and is prevented from doing so by reason of the refusal of his creditor, or of the absence of his creditor from the place where the debt is payable, such person may deposit such sum with the treasurer, together with a proper designation of the nature of the debt, of the title under which it is due, and of the person or persons to whom he desires the money should be paid.

Effect of such
deposit.

And the effect of this deposit shall be to liberate, for the future, whoever shall have made a tender, from the payment of interest on such sums of money, provided his creditor has, without having any right so to do, refused to

accept such tender; and the moneys deposited for a creditor who is absent from the place where the debt is payable, shall also cease to bear interest against the debtor, if the amount deposited is sufficient.

9. The treasurer shall thereupon, on demand, pay to the creditor so designated the amount so deposited; saving the right of the depositor, if the deposit receipt has not been registered, and if the money has not been paid into court as a tender, to withdraw his deposit before the same shall have been demanded by his creditor.

Treasurer to pay creditor on demand.
Proviso.

10. Whenever any person desires to pay any sum of money which is demanded of him by contending claimants, he may deposit the money he so desires to pay with the treasurer of the province.

Moneys in dispute may be deposited.

11. In the case mentioned in the preceding section, the treasurer shall pay over the amount deposited to the claimant, who shall produce and file an authentic copy of a competent judgment entitling him to the money, saving the right of the depositor, if the deposit receipt has not been registered, and if the money has not been paid into court as a tender, to withdraw his deposit before the same shall have been demanded by the claimant.

How treasurer shall pay over.
Proviso.

12. In any case in which a voluntary deposit is made under this act of any amount due in virtue of any registered claim, the depositor shall cause a duplicate of the deposit receipt to be registered, and left with the registrar, and an entry thereof shall be made in the margin of the register opposite the title under which the claim exists; and such registration and entry shall have the same effect as regards the cancelling of the registration of the claim, as the registration and entry of a discharge from the creditor for a like amount would have had.

In case of a registered claim, receipt shall be re-registered and entered.
Effect of such registration.

13. The treasurer of the province may, at any time, and from time to time, appoint any person or persons to be his treasury deposit agents for the purposes of this act, and of any future act amending the same. Such person or persons may be so appointed for any one or more judicial districts, and thereupon all the provisions of this act relating to the said treasurer shall, as regards such district or districts, apply to such treasury deposit agents as well as to the treasurer.

Treasury deposit agents may be appointed.
This act shall apply to them as to the treasurer.

14. The duties and powers of the said treasury deposit agents, in so far as the same are not provided for by this act, shall be such as may, from time to time, be regulated and defined by the treasurer of the province; and the said agents, as regards the duties which are thus prescribed to

Duties and powers of agent may be regulated by treasurer.
They shall be deemed officers

of the court.

them by this act or by the treasurer, shall be reputed officers of the court in connection with which these duties are to be executed.

Ex-sheriffs,
&c., to ac-
count under
oath, to trea-
surer.

15. Every sheriff, prothonotary, clerk of the circuit court, clerk of a district court, or other judicial officer, and every person who has been but is no longer a sheriff, prothonotary or clerk of the circuit court, or the heirs or legal representatives of any such person, shall, within three months after the coming into force of this act, furnish the treasurer of the province with a detailed account of all moneys received officially by such sheriff, prothonotary, clerk, officer or person. Every such account shall be previously sworn to before a judge of the superior court or a commissioner for receiving affidavits.

And deposit
all moneys
remaining in
their hands.

16. Within the said delay of three months, the said sheriffs, prothonotaries, clerks, heirs and representatives, shall be bound to deposit with the treasurer of the province all moneys so received and remaining in their hands.

Judicial
officers to ac-
count quar-
terly.

17. Every sheriff, prothonotary, clerk of the circuit court, clerk of a district court, or other judicial officer shall, between the first and eleventh days of the months of January, April, July and October in every year, render to the treasurer of the province, a detailed account sworn to as aforesaid, of all moneys received by him in his official capacity, whether the same shall have been deposited or not with the treasurer, in virtue of the provisions of this act.

Treasurer may
regulate man-
ner, &c., of
deposits, pay-
ments and ac-
counts.

18. The treasurer of the province may, at any time, and from time to time, regulate the manner, time and form, in which deposits and payments shall be made, and accounts shall be rendered and kept in virtue of the provisions of this act.

When trea-
surer may
allow interest.

19. When the treasurer establishes the fact that the profits, which he has derived from deposits made in his hands, exceed the expenses relating thereto, he may grant and pay to such persons as are entitled to receive the sums of money which have remained in his hands for more than one month, such interest dating from the expiration of the said month, as he may deem just and proper, without incurring any loss to the province.

Treasurer may
allow certain
sheriffs a
percentage.

20. At the close of any fiscal year, the treasurer of the province may allow and pay to each of the prothonotaries and each of the sheriffs in office at the time of the coming into force of this act, (other than the sheriffs of Quebec and Montreal,) such sums as he may deem proper, not exceeding two per cent upon the amount deposited with him, during such year, by the said prothonotary or sheriff, in virtue of this act.

✓ **21.** The amount so allowed shall be deemed to form part of the expenses incurred in carrying out the provisions of this act, and it shall be the duty of the treasurer to see that such expenses shall not exceed the interest or profit accruing to the treasury, from the moneys deposited in virtue of the said provisions.

Percentage to form part of expenses incurred under this act.
Expenses not to exceed profits derived.

22. The lieutenant-governor in council may fix the salary of the sheriff of the district of Quebec, at a sum not exceeding three thousand six hundred dollars, and the salary of the sheriff of the district of Montreal, at a sum not exceeding three thousand six hundred dollars per annum.

Salaries of certain sheriffs to be fixed by Lieut.-gov.

23. Moneys held by the treasurer or by any agent of his, under this act, may be seized by garnishment, either before or after judgment, provided the ordinary requirements of the law, in respect of garnishees, be fulfilled in respect of the agent, and that moreover a copy of the writ be sent by mail to the treasurer.

Moneys deposited may be seized by garnishment.

24. Whenever any judicial surety or any surety of a public officer, or any tutor or judicial administrator shall be desirous of paying over the amount of his suretyship or the full amount of his legal liability, he may deposit such amount with the treasurer under this act, and upon the production of the deposit receipt, he shall thereupon be free from the costs of any proceeding taken against him with respect to such amount.

Sureties may deposit the amount of their suretyship.

25. Any public officer failing to comply with the provisions of this act shall be liable, at the suit of the attorney-general of the province or of any interested party, to a penalty not exceeding two hundred dollars, to be recovered before any court of competent jurisdiction in the district; and shall be liable to the party or parties interested for any amount he shall have failed to deposit, and for all damages, and may, moreover, be proceeded against by motion and rule, under pain of coercive imprisonment, to compel him to the payment of any moneys deposited with him under this act.

Effect of such deposit.

Liability of public officers failing to comply with this act.

C A P. V I.

An Act respecting the amendment of certain articles of the Code of Civil Procédurè, the appointment of an additional Judge of the Superior Court at Montreal, and the administration of justice in other respects.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Art. 64 C. C. P.
amended.

Service upon
foreign rail-
way com-
panies.

1. Article 64 of the code of civil procedure is hereby amended by adding thereto the following paragraph :

"Foreign railway companies who control, either as owners or lessees, any line of railway extending to or passing through the province of Quebec, and who have no office, president, secretary, or agent therein, are sufficiently summoned by service made upon any of their station agents or depôt-masters, in charge of such stations or depôts, belonging to or under the control of said companies, as are situated within this province."

§ 1, of art 68,
C. C. P.,
amended.

2. The first paragraph of article 68 of the code of civil procedure is amended so as to read as follows :

"If the defendant has left his domicile in Lower Canada, or has never had such domicile, but (has property therein, the court or judge, or the prothonotary, upon a return stating that he cannot be found in the district, may order him to appear within two months from the last publication of such order."

Signification
of sale requir-
ed by art. 1571,
how made in
certain cases.

3. Whenever, in the case of a sale of a debt or a right of action against a third person, the debtor has left or has never had his domicile in this province, the signification of the sale required by article 1571 of the civil code, may be effected, by publishing, in the form given in the schedule of this act, or in any form equivalent thereto, a notice of the said sale, twice in the French language, in a newspaper published in the French language, and twice in the English language, in a newspaper published in the English language, in the district in which the debt was contracted or in which the action has been instituted ; and in default of either of such newspapers in such district, then in a similar newspaper of the nearest locality.

Delivery of
copy of act of
sale required
by art. 1571.

The delivery of a copy of the act of sale, required by the said article 1571 may be effected, in either of the cases mentioned in this section, by leaving such copy for the debtor in the hands of the prothonotary of the district in which the signification was published.

Service of ac-
tion to be suffi-
cient signifi-
cation of sale in
certain cases.

4. Whenever in either of the cases mentioned in the preceding section, an action has been brought against the debtor, the service of the action, in the manner prescribed by article 68 of the code of civil procedure, shall be a sufficient signification of the act of sale, if in the order published in virtue of the said article, the sale is mentioned and described ; and the filing of a copy of the act of sale together with the return of the action, shall be a sufficient delivery thereof to the debtor.

Signification of
sale required

5. Whenever a whole class of rents or debts collectively is sold, whether such sale has been made before or after

the coming into force of this act, the signification of sale required by article 1571 of the civil code may be effected by causing the act of sale to be published in the manner prescribed by section three of this act, and the delivery of a copy required by the said article may be effected by depositing a copy of the deed of sale in the office of the prothonotary of the district in which the succession opened, or in which the lands are situated in respect of which the debts are due, or of the district in which is or was the chief place of business of the original creditor. And such publication and deposit, once made, shall be a sufficient signification and delivery with respect to each debtor individually.

6. Article 128 of the code of civil procedure, is hereby amended, by adding thereto the following paragraph: Art. 128 amended.

"The delays for filing preliminary exceptions and pleas to the merits do not begin to run until after the date of the service, upon the defendant's attorney of a notice, informing him that such security has been given."

7. Section one of the act of this province, thirty-fourth Victoria, chapter four, is hereby amended by striking out therefrom the word "Montreal." 34 Vic., cap. 4, amended.

8. Notwithstanding anything contained in article 238 of the code of civil procedure as amended by section one of the act thirty-fourth Victoria, chapter four, and by the next preceding section of this act, the following days shall be days on which parties may be compelled to proceed to proof in all actions or proceedings instituted or had, at the city of Montreal, in the superior or the circuit court, unless any such days are days fixed for the holding of the court of Queen's Bench, appeal side, namely:

The first sixteen days of the months of February, March, April, May, June, September, October, November and December;

The first nine days of the month of July; and

The last sixteen days of the month of January.

9. Article 252, of the code of civil procedure, is hereby amended, by adding thereto the following paragraph: Article 252 amended.

"Nevertheless, if consorts are separated as to property, and one of them, as agent, has administered property belonging to the other, the consort who has so administered may be examined as a witness in relation to any fact connected with such administration; provided the court or judge shall, in view of the circumstances of the case, deem it just and advisable to order such examination. Whenever such examination shall be allowed, it shall be as unrestricted as would have been that of the other consort, whether as regards the admissibility of verbal evidence or otherwise."

Employment of stenographers at jury trials and in cases inscribed for proof and hearing at the same time.

10. In all suits to be tried by a jury, or which are inscribed for proof and hearing at the same time, either in the superior court or in the circuit court, either of the parties may, by a demand in writing, accompanied by a deposit of a sufficient sum of money to pay a stenographer, require that the evidence in the case shall be taken by means of stenography. In every such case, the stenographer shall be named by the prothonotary, unless the parties mutually agree upon one, and the said stenographer shall be sworn before the court or judge, or the prothonotary, or the clerk of the court, and he shall, at the conclusion of each testimony, read over the same to the witness, and such testimony shall, when afterwards transcribed in ordinary writing, form the record of the evidence in the cause; and, in the case of trials by jury, the requirements of articles 397 and 398 of the code of civil procedure, may be fulfilled through the intervention of the stenographer. In cases inscribed for proof and hearing at the same time, such evidence taken by means of stenography shall be a sufficient fulfilment of the last part of article 263 and of article 264 of said code; and the sufficiency of the deposit required to pay a stenographer shall be determined by the court or judge, or by the prothonotary.

Employment of stenographers in other cases.

11. In any case in the superior or in the circuit court, the parties may, by consent, employ the services of a stenographer, and cause him to be sworn, and the evidence to be taken in the manner mentioned in the next preceding section.

Taxation of their expenses.

12. The expense of employing a stenographer, shall form part of the taxed costs of the case.

Art. 423 C.C.P. amended.

13. Article 423 is hereby amended so as to read as follows:

"Motions for new trial or for judgment *non obstante veredicto* must be made before the superior court, sitting in review, on or before the second day of the next term of such sittings, following the tenth day after the rendering of the verdict, and cannot be received after.

Art. 511 amended.

14. Article 511 of the said code is hereby amended, by adding thereto the following paragraph:

"The opposition must, moreover, on pain of nullity, be accompanied with an affidavit of the opposant, or of some other credible person, that the allegations contained in such opposition are, to the best of his knowledge, true."

Art. 560 amended.

15. Article 560 of the said code is amended by substituting the following for the last sentence of the last paragraph thereof:

"The debtor must also, if he is present, be called upon to sign the inventory, and his refusal or inability to do so, or his absence must be stated."

And the said article is further amended, by striking out, from paragraph three of the same, all the words after the word "nature," and by adding, at the end of the said article, the following paragraph :

"In the case of the seizure of a registered vessel of fifteen tons burthen, or over, the recital required by section thirteen, of chapter forty-one, of the consolidated statutes of Canada, must be returned and filed together with the inventory."

16. Article 570 of the said code is amended, by inserting therein, immediately after the word "province," the words "or has ceased to reside within the district in which the judgment was rendered." Art. 570 amended.

17. Article 571 of the said code is hereby amended, by adding thereto the following paragraph : Art. 571 amended.

"If the debtor has no domicile in the province, or has ceased to reside within the district in which the judgment was rendered, the notice may be left for him at the office of the prothonotary of the court."

18. Article 834 of the said code is hereby amended, by inserting therein, immediately after the word "secreting," the words "or is about to secrete," and by substituting in place of the words "creditors and the plaintiff," the words "creditors or the plaintiff." Art. 834 amended.

19. Article 952 of the code of civil procedure is amended by adding, after the word "third," in the second line, the words "or fourth." Art. 952 C.C.P. amended.

20. Notwithstanding anything to the contrary contained in article 963 of the code of civil procedure, whenever the applicant for a judgment of confirmation of title has an hypothecary claim against the property, which appears by the certificate of the registrar, he may retain the purchase money, to the extent of his claim, until judgment has been rendered, provided he furnishes the prothonotary with good and sufficient sureties for all damages that might result to any party interested, in the event of the non-payment of such sum as the court may order such applicant to pay into the hands of the prothonotary ; and upon such security being given the amount so retained shall be deemed to be deposited, and the case shall be dealt with accordingly. Art. 963 C.C.P. Applicant for confirmation of title may retain amount of his hypothecary claim.

21. Article 998, of the code of civil procedure is amended, so as to read as follows : Art. 998 amended.

998. The summons for that purpose must be preceded by the presenting to the superior court, or to a judge, of a special information containing conclusions adapted to the nature of the contravention, and supported by an affidavit to the satisfaction of the court or judge, and the writ of summons cannot issue upon such information without the authorization of the court or judge.

This writ, as well as the writs of *quo warranto*, *mandamus* and prohibition, shall be in the same form as ordinary writs of summons.

Art. 1023
amended.

22. Article 1023 is amended so as to read as follows:

1023. The application is made by a petition supported with an affidavit, affirming that the facts set forth in the said petition are true, and presented to the court or judge, who may thereupon order a writ of *mandamus* to issue; and such writ is served in the same manner as any other writ of summons.

Lieutenant
governor may
in certain
cases abolish
county circuit
courts.

23. The lieutenant-governor may, at any time, by proclamation, abolish the holding in any county, or at any place in a county, of a circuit court theretofore authorized by proclamation in accordance with article 1062 of the code of civil procedure; and thereupon, the books, papers and records of the court so abolished, shall be transmitted to such other circuit court as the lieutenant-governor shall name in the said proclamation.

Art 1081
amended.

24. Article 1081 of the said code is hereby amended, by striking out the following words therein: "who is bound to elect a domicile for the judgment creditor in the locality within which the seizure is made, and."

Certain circuit
court suits still
pending to
belong to supe-
rior court.

25. All appealable suits begun in the circuit court, at the city of Quebec or the city of Montreal, before the coming into force of the act of this province, thirty-fourth Victoria, chapter four, in which judgment has not been rendered, shall cease to be within the jurisdiction of the circuit court, and thereafter all proceedings and judgments therein shall be had and rendered in the superior court; and the books, muniments and records of the circuit court, relating to all such suits, shall, immediately upon the coming into force of this act, appertain to the said superior court, and be transmitted thereto.

No second de-
mand of pay-
ment required
on executions.

26. Whenever in any suit, a writ of execution has issued, and by reason thereof a demand of payment has been made upon the defendant, no other demand of payment need be made in such suit previous to the further execution of any other such writ, whether in the same or in any other district.

27. There shall no longer be terms for the holding of the circuit court at the city of Montreal, but every juridical day shall be a day on which the circuit court may be held at the said city, whenever business shall require it. Nevertheless, the judge holding the said court may adjourn the sittings thereof to some future day, and in the interval of such adjournment, the said court shall not be held.

When circuit court in Montreal will be held.

28. Notwithstanding anything contained in chapter C. S. L. C., seventy-eight of the consolidated statutes for Lower Canada, or the acts of this province, thirty-second Victoria, chapter twenty, and thirty-third Victoria, chapter ten, the superior court therein mentioned shall consist of twenty judges, namely : one chief justice, and nineteen puisné judges.

C. S. L. C., c. 78, 32 Vic., c. 23, 33 Vic., c. 10, Superior court to consist of twenty judges.

29. The additional judge to be appointed to complete the said number of twenty, shall reside in the city of Montreal, and shall have the same power and jurisdiction, and be subject to the same provisions of law, as any other judge of the said court acting under like circumstances.

Residence and powers of additional judge.

30. The third section of the act thirty-third Victoria, chapter ten, is hereby amended, by striking out the word "five" therein, and substituting therefor the word "six."

33 Vic., cap. 10, sec. 3, amended.

31. And it is further declared and enacted, as follows :

Notwithstanding the ninth section of the act of this province, thirty-fourth Victoria, chapter four, the circuit court within the districts of Quebec and Montreal, other than those sitting in the cities of Quebec and Montreal, have had, since the enactment of the said ninth section, and shall continue to have the same jurisdiction in appealable suits, as they had before the said ninth section was enacted.

Jurisdiction of C. C. in districts of Quebec and Montreal since 34 Vic., cap. 4, sec. 9 declared.

32. And it is further declared and enacted, as follows : Ever since the coming into force of the code of civil procedure, any judge of the superior court has had and hereafter shall continue to have the jurisdiction and power mentioned in article 1261 of the said code, at any place where the circuit court is held, and either in or out of term.

Any judge of S. C. declared to have powers, &c., mentioned in art. 1261.

33. This act shall come into force on and after such day as shall be fixed for that purpose, by proclamation of the lieutenant-governor.

Commencement of this act.

34. Section ten, of the Quebec Interpretation Act, shall not apply to this act.

Sec. 10, of Interp. act, not to apply.

SCHEDULE.

NOTICE.

To (name and designation of the debtor.)

Notice is hereby given you that the debt (or right of action) which (*name of the creditor vendor*) had against you by virtue of (*description of the title on which the debt or the right is founded,*) has been sold and conveyed to (*name, designation and residence of the creditor purchaser*) by virtue of an instrument (*executed before notaries or by a private writing*) done at _____ the _____ day of _____ in the year _____ in the presence of (*witnesses or the name of the notary.*)

CAP. VII.

An Act to limit the application of Articles 298 and 299 of the Civil Code, and of the Fifth Title of the third part of the Code of Civil Procedure.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the formalities prescribed for the judicial sale of immovable property belonging to minors, and others incapable of acting for themselves, have been established solely for the protection of the latter; and whereas, in the case of the sale of immovables of small value, the price thereof is frequently absorbed, to the detriment of minors and their creditors, by the observance of the formalities required for the sale of such immovables; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Arts. 298 and 299 of Civil Code and title 5 of part 3 of C. C. P. not to apply to real property not worth over \$100.

1. Articles 298 and 299 of the civil code, and the fifth title of the third part of the code of civil procedure shall not apply to the sale of immovable property, the real value of which does not exceed the sum of four hundred dollars; the sale of such immovables may take place in the manner set forth in the following section.

How such property may be sold.

2. Whenever the real value of the totality of the immovable or immovables, belonging to minors or others incapable of acting for themselves, does not exceed the sum of four hundred dollars, a judge of the superior court may, upon petition presented to him to that effect, by the tutor and subrogate tutor of such minors, or by the curator of such persons as are incapable of acting for themselves, after making summary enquiry as to the value of the said immovables, order the sale thereof by public auction, at the prices, and upon the conditions which he may deem just and reasonable to fix, in the interest of such minors or persons incapable of acting for themselves.

3. The judge shall have power to issue, under his hand, an order to compel the appearance before him, without costs, of any person whom he shall deem qualified to afford him the information necessary to determine the value of the said immovables, and any such person, refusing to comply with such order, shall be guilty of a contempt of court. Power of judge to obtain information as to value.

4. Notice of the place, day and hour of such sale, shall be given twice in fifteen days, in the *Quebec Official Gazette*, and in two newspapers indicated by the judge, one of which shall be published in the French and the other in the English language, in the district in which the immovables are situated, and, in the event of there being no newspapers published in such district, then such notice shall be given in the newspapers of the nearest district. What notice of sale shall be given.

5. The judge may, when he shall deem it advisable, dispense the petitioners from the necessity of publishing the notices mentioned in the preceding section, and authorize them to proceed to the sale, by consent, of the said immovables, to any person paying the price fixed by such judge. Private sales may be authorized.

C A P . V I I I .

An Act to amend certain articles of the Municipal Code of the Province of Quebec.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. After article 37 of the municipal code of the Province of Quebec, the following shall be inserted: Art. 37a added to municipal code.

"37a. The county council may, by resolution, erect into a municipality of part of a township, any territory containing a population of at least three hundred souls, which already forms part of a municipality of a township, of part of a township or of united townships, but is not comprised within the limits of a canonical or civil parish, on petition signed by at least two-thirds of the electors of such territory; provided that there remains in the municipality, from which such territory is detached, a population of at least three hundred souls. County councils may subdivide certain municipalities.

Such resolution must be preceded by a public notice given for such purpose, and approved and published in the manner prescribed by article 41." Previous notice to be given.

2. Article 283 of the said code of the Province of Quebec, is amended by striking out the words at the end Art. 283 of said code amended.

of the article, "according to the valuation roll in force, if one there be."

Art. 582 of said code amended.

3. Article 582 of the said code is repealed and the following substituted therefor :

Certain persons may be compelled to take out licenses.

"582. To compel each of the following persons to take out a license from the corporation, for the exercise in the municipality of his trade, occupation or calling, and to prevent each of them from carrying on such trade, occupation or calling, without such license :

1. Every broker or banker and every wholesale or retail trader, merchant or dealer, except such persons as are obliged to take out licenses from the government of the province, in so far only as relates to the particular business for which they must have such license ;

2. Every carter or common carrier.

Duration and price of licenses.

No such license can be given for a longer period than twelve months. The price fixed for granting any such license in virtue of this article must be proportioned to the extent of the business, trade or occupation of each person bound to take a license, and fixed at the discretion of the council, but such price must not exceed twenty dollars in the cases set forth in paragraph one, and twelve dollars in those of paragraph two."

Art. 743 of said code amended.

4. Article 743 of the said code is amended by inserting after the word "qualification" the following words : "excepting that of local councillor."

Art. 746a added.

5. The following article shall be inserted after article 746 of the said code :

Amendment of valuation rolls.

"746a. The local council may, in any year in which a new valuation roll is not made, revise and amend the valuation roll in force, for local purposes only, by complying with the formalities prescribed by articles 736, 737, and 738.

The amendments so made to the valuation roll come at once into force, subject nevertheless to the appeal to the county council under article 927."

Art. 927 of said code amended.

6. Article 927 of the said code is amended, by substituting for the words "articles 734 and 738," in the second and third lines thereof, the following words : "articles 734, 738 and 746a."

Art. 931a added.

7 The following article shall be inserted after article 931 of the said code :

Notice to be given previous to examination of petition in appeal.

"931a. The county council, however, cannot take the petition in appeal into consideration until after public notice, of the day and hour of the session at which it will proceed to the examination of such petition, has been given by the secretary-treasurer, or by the warden, in the local municipality from which the appeal comes."

8. The following articles shall be inserted after article 678 of the said code :

"678a. The person presiding, after having opened the meeting and read the by-law, asks the municipal electors present who are entitled to vote, whether they approve or disapprove of such by-law.

Arts. 678a,
678b, 678c
added.
By-law may
be approved
or rejected
unanimously.

After having asked the question three different times at reasonable intervals, the person presiding must declare the by-law approved or disapproved, as the case may be, if all the electors present have unanimously approved or disapproved such by-law.

678b. If the by-law so approved or disapproved, is a by-law of the county council, all the electors of the local municipality entitled to vote are deemed to have voted "yea," if the by-law is declared approved, or "nay," if the by-law is declared disapproved.

Effect of such
unanimous
vote.

The person presiding at the meeting, must establish the number of such electors, in the certificate which he is bound to lodge in the office of the county council; and the warden, in reckoning the votes given for or against the by-law, must reckon them all as for or against such by-law, as the case may be.

678c. If after the electors present have been asked three times at reasonable intervals whether or not they approve or disapprove of the by-law, the person presiding deems that there is not unanimity, or if he is required, either verbally or in writing to hold a poll, by at least one elector entitled to vote, it is his duty to open the poll without delay, and to proceed to record the names of the voters."

Poll to be held
in default of
unanimity.

9. The following provision shall be added to article 1081 of the said code :

Addition to
art. 1081.

"The county of Montmorency continues to form two distinct county municipalities, as follows: the local municipalities of that part of the county which is situate on the north shore of the river St. Lawrence, form a county municipality under the name of the "municipality of the county of Montmorency, number one," and those of the Island of Orleans form another county municipality under the name of the "municipality of the county of Montmorency, number two."

County of
Montmorency
to continue to
form two
municipalities.

10. Article 926 is amended by substituting for the number 806 therein contained, the number 808.

Art. 926
amended.

11. Article 835 of the said code is amended by substituting the word "seven" for the word "fifteen," and the word "five" for the word "ten."

Art. 835
amended.

12. Article 744 of the said code is hereby repealed.

Art. 744
repealed.

Art. 484
amended.

13. Article 484 is amended by inserting at the end thereof the following words: "or within the limits of such agricultural society, in which such municipality is situated."

And as doubts may exist, respecting the nature and extent of the responsibility of municipal corporations, as shareholders in railway companies, it is declared and enacted as follows:

Responsibility
of municipi-
palities and
companies
taking stock
in railways.

14. The responsibility of municipal corporations and of incorporated companies, as shareholders in railway companies, like that of individuals, is and has always been limited to the amount which has been lawfully subscribed by them.

C A P . I X .

An Act further to amend the law respecting District Magistrates in this Province.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Subs. 1 of sec.
6, 32 V., c. 23,
amended.

1. The first sub-section of section sixteen of the act of this province, thirty-second Victoria, chapter twenty-three, is hereby amended, in such manner as to read as follows:

"1. All suits whether personal or real, wherein the sum or value demanded does not exceed fifty dollars."

Magistrate's
courts to have
jurisdiction in
lessors and
lessees cases.

2. When the amount of rent claimed or the amount of damages alleged does not exceed fifty dollars, the magistrate's court shall have jurisdiction in actions to annul or to rescind a lease, or to recover damages resulting from the contravention of any of the stipulations of the lease, or the non-fulfilment of any of the obligations which the law attaches to it, or which result from the relation of lessor and lessee, and all proceedings in and the proof and hearing of the said actions shall take place in a summary manner and upon any juridical day, whether such day be or be not fixed as one of the days on which the said magistrate's court can sit.

Sec. 14, of 32
V., c. 23,
amended.

3. Section fourteen of the said act is hereby amended, by striking out all the words thereof after the words "shall be the clerk of the magistrate's court," and by substituting therefor, the following: "the lieutenant-governor in council may also, from time to time, fix any other place or places where the magistrate's court shall be held in any county, and whether a circuit court be held therein or not, and may appoint a clerk of the court for such place."

4. The magistrate's courts, mentioned in the said act, in rendering judgment upon any cause or matter brought before them shall award costs, which shall be taxed according to the tariff of the circuit court for cases or matters of like nature or amount.

Magistrate's courts to award costs.

5. Notwithstanding anything to the contrary contained in the said act, services of the writs of summons or other proceedings, in any of the said magistrate's courts, in the district of Saguenay, may be made by any literate person, whose return of service shall be sworn to by him before a district magistrate, a clerk of the magistrate's court, or a justice of the peace.

In dist. of Saguenay services may be made by literate persons.

6. The bailiff, sergeant of militia, or literate person serving any writ of summons or other proceeding in the magistrate's court, may demand and receive for every such service and return thereof the sum of twenty cents, and at the rate of ten cents per mile for the distance he has gone to perform such service, the distance in returning not entitling him to any allowance; but any such bailiff, sergeant, or person by whom more than one service is made, at the same time, upon one and the same person, shall not be entitled to mileage for more than one journey.

What fees bailiffs, &c. shall be entitled to for services.

7. Judgments rendered by the said magistrate's court, for sums exceeding forty dollars, may, in default of movable property and effects, be executed upon such immovables of the debtor as are within the limits of the district in which the judgment was rendered, or in any other district. The writ for that purpose shall be addressed to the sheriff of such district, and is returnable to the superior court of such district, there to be proceeded upon in the same manner as like writs issuing from the circuit court.

Execution may issue against immovables in cases over \$40.

8. The lieutenant-governor in council may, from time to time, instruct any district magistrate to attend, for any specified period or periods of time, any district or districts, other than the district or districts for which he was appointed; and the provincial secretary shall cause notice of such instructions having been given to be published in the Quebec official gazette.

Lieut.-Gov. may cause dist. magistrates to attend any district.

9. Any district magistrate acting under such instructions shall have, with respect to any district in which he shall be, the same powers and jurisdiction that he would have with respect to the district or districts for which he was appointed, when acting within the same.

Powers of D. magistrates in such cases.

C A P. X.

An Act to amend the Act of this Province, thirty-second Victoria, Chapter twenty-two, respecting Jurors and Juries.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sec. 29 and 30
of 32 V., c. 22,
amended.

1. Sections twenty-nine and thirty of the act thirty-second Victoria, chapter twenty-two, are hereby amended by inserting therein, after the words "half English," in the second and third lines of each of the said sections, the following words: "have been permitted under and by virtue of section five of the act of the late province of Canada, twenty-seventh and twenty-eighth Victoria, chapter forty-one, or."

Sec. 31, said
act amended.

2. Section thirty-one of the act aforesaid thirty-second Victoria, chapter twenty-two, is amended by inserting therein, after the word "section," in the twelfth line thereof, the following words: "shall apply to districts in which juries composed half of persons speaking the French language, and half of persons speaking the English language, have been permitted, under and by virtue of section five of the act of the late province of Canada, twenty-seventh and twenty-eighth Victoria, chapter forty-one, and."

C A P. X I.

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS, it is expedient to continue, for a limited time, the acts hereinafter mentioned, which would otherwise expire at the end of the present session; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Acts of Lower
Canada, 2 Geo.
4, c. 8.

1. The act of the parliament of the late province of Lower Canada, passed in the second year of the reign of his late Majesty King George the Fourth, intituled: "An act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine;" the act of the said parliament passed in

the same year of the same reign and intituled: "An act to enable the inhabitants of the Seigneurie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common of the said seigneurie," as amended and extended by the act of the said parliament, passed in the fourth year of the same reign and intituled: "An to authorize the chairman and trustees of the common of the Seigneurie of the Bay St. Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common and for other purposes appertaining to the same;" the act of the said parliament, passed in the ninth year of the same reign, and intituled: "An Act to alter and amend an act passed in the sixth year of His Majesty's reign and intituled: "An Act to authorize the inhabitants of the fief Grosbois, in the county of St. Maurice, to make regulations for the common of the said fief," and all and every of the said acts are hereby continued, and shall remain in force until the first day of January, one thousand eight hundred and seventy-three, and from thence until the end of the then next ensuing session of the legislature, and no longer.

2 Geo. 4, c. 10,
4 Geo. 4, c. 26,
9 Geo. 4, c. 32,
continued, until the end of the session next after 1st January, 1873.

2. Provided always, that nothing herein contained shall prevent the effect of any act passed during the present session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the acts in this act mentioned, which may have been repealed by any act passed in any previous session or during the present session.

Proviso as to the acts of the present session.

CAP. XII.

An Act further to amend the law respecting Education in this Province.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The act thirty-second Victoria, chapter sixteen, to amend the law respecting education in this province, is amended, in so far as the city of Quebec is concerned, by substituting for the words "a sum equal to three times the amount of the share of the government grant," in the twenty-third section of the said act, the following words: "a sum equal to the government grant, together with fifty per cent in addition thereto."

Sec. 23 of 32 Vic. c. 16 amended as regards Quebec.

Corporation
of Quebec
may discharge
arrears due
for school pur-
poses by pay-
ing certain
sums within
four months.

Proviso as to
pending suits.

Payment may
be made by
debentures.

Boards of
school com-
missioners may
cause certain
addition-
al sums to be
levied by the
corporation.

Upon what
property.

But a requis-
ition must be
presented to
corporation
within a
certain time
each year.

2. The said corporation may discharge the arrears due by it on the first day of January next, to the Roman Catholic and Protestant boards of school commissioners of the said city of Quebec, under the said act, by paying to the Protestant board the sum of six thousand six hundred dollars, and to the Roman Catholic board, a proportionate sum on the said arrears, according to the provisions of the said act, after deducting therefrom the sum which shall have been paid to the said Roman Catholic board in excess of and contrary to the provisions of the said act; but the said payments to have such effect must be made within the four months next after the passing of this act, in default whereof the rights of the said boards shall subsist, as if this act had never been passed, and nothing in this act contained, so long as the said payment shall not have been made, shall be read or interpreted against any suit now pending or which may hereafter be instituted against the said corporation, under the said act, which suit shall proceed as if this act had never been passed; and nothing in this act contained shall apply to the costs of any such suit.

3. The payment of the said arrears may be made in and by debentures of the said corporation, and the said corporation is hereby authorized to issue debentures for the amount aforesaid, bearing interest not exceeding seven per centum, and payable in ten years from their date.

4. It shall be lawful in each year for the said Roman Catholic and Protestant boards respectively, to cause an additional sum to be levied by the said corporation, not to exceed, however, together with that already paid by the corporation for the same year, the sum to which either board would have been entitled under the act hereby amended, which additional sum shall be levied solely upon the real estate designated in panel number one, if the Roman Catholic board is concerned, and solely upon the real estate designated in panel number two, if the Protestant board is concerned, but the said corporation shall not be bound to levy such additional sum, unless for the year eighteen hundred and seventy-two, two months after the passing of this act, and for every subsequent year, before the first day of January, there be presented to it a requisition to such end, signed by the majority of the members of the board desirous of obtaining such additional sum, and a part of such additional sum, in proportion to the total amount, may be levied on panel number three, but such levy shall be made in such manner that the board of commissioners which shall not have made the demand, shall receive the share to which it is entitled on the said panel, according to the provisions of the said act; and the

amount to be levied on the said panel shall be therefore computed and levied and paid over to the said boards of commissioners, according to the provisions of the said act.

5. In the case of such demand having been made, if any real estate entered upon the panel used for the purpose of levying such additional assessment, has changed or should hereafter change owners, before the time in which such assessment shall become due, in such manner that in accordance with the spirit of the act, such real estate has or shall have ceased to belong to the panel, of which it forms part, the new proprietor may refuse payment of the said assessment.

Case of change of owner of property provided for.

6. The first section of the said act respecting the council of public instruction is amended by substituting the word "twenty-four" for the word "twenty-one," the word "sixteen" for the word "fourteen," and the word "eight" for the word "seven."

Sec. 1 of 32 V., c. 16, amended.

7. Every male or female teacher engaged by the school commissioners or by the trustees of dissentient schools, whom the said school commissioners or trustees shall not have notified two months before the expiration of his or her engagement, that they do not intend to continue such engagement during the year following, shall be deemed to have been re-engaged for the same school and upon the same terms; but nothing in this provision contained shall prevent the commissioners or trustees from removing any male or female teacher, for the causes set forth in chapter fifteen of the consolidated statutes for Lower Canada.

School teachers not to be discharged without two months notice previous to the end of their engagement, except for causes mentioned in C. S. L. C. c. 15.

8. All notices given collectively or simultaneously to teachers by trustees or commissioners, with the view of evading the foregoing provision, and all agreements made with them, for such purpose, shall be deemed to be null and of no effect.

General notices and private agreements to evade proper notice shall be null.

9. Section one of chapter thirty-one of the statutes of Canada, twenty-ninth and thirtieth Victoria, is hereby amended in manner following:

Sec. 1 of 29 & 30 V., c. 31, amended.

The following words, contained in paragraph number nine of the said first section of the said statute, "the two arbitrators shall conjointly appoint a third, within the eight days next after their appointment; and in case of disagreement between the said two arbitrators, or," are struck out and the following substituted therefor: "a third shall be appointed by the judge or one of the judges of the superior court for the district, within which the said site for a school-house is situated, at the instance of either of the parties, and;" and after the words: "by the judge," in the said pa-

paragraph, the words: "or one of the judges," shall be added; and after the words: "of the judge," in the said paragraph, the words: "or of the said judges," shall be added; and the following words shall be inserted at the end of the said paragraph, number nine: "and shall tax such costs."

Further
amendment of
said section.

10. The words "payment or tender," contained in paragraph number twelve, of the said first section of the said act, are struck out, and the following substituted therefor: "deposit in the hands of the prothonotary of the district, within the limits of which the said site for a school-house is situate," and the following words shall be added at the end of the said paragraph, number twelve: "and the superior court for the said district, or one of the judges thereof, shall distribute the sum so deposited by ordering that it be paid to the party or parties entitled thereto, and the same shall be done after all interested parties, creditors or assigns, have been called in, in the manner and form and after the delay, which the said court or judge or one of the judges shall deem expedient and just."

Two foregoing
sections to form
part of C. S. L.
C. c. 15.

11. The two preceding sections shall be interpreted for all ends and purposes whatsoever, as forming part of chapter fifteen of the consolidated statutes for Lower Canada.

CAP. XIII.

An Act to empower the Managers of Industrial and Reformatory Schools, and of certain Charitable Institutions, to apprentice or place out children under their charge.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Interpretation
of "charitable
institution."

1. The words "charitable institution" in this act, shall apply to and mean any incorporated orphan asylum, and such other institutions as shall have obtained the permission of the lieutenant-governor in council, to avail themselves of the provisions of this act.

Interpretation
of "managers
of an institu-
tion."

2. The words "managers of an institution" shall mean and include the directors, directresses or managers of the institution, or any one or more of them named or selected from among themselves to represent the institution in acting under any of the provisions of this act.

3. The managers of any certified industrial or reformatory school, without prejudice to the powers and obligations already conferred on them by law, may apprentice or place out under indenture to any respectable and trustworthy person, any child or juvenile offender under their control, for any term which shall not extend beyond his majority.

Managers of industrial or reformatory schools may place out children beyond term of their detention.

4. Managers of an institution may place out to domestic service and indenture, bind or apprentice thereto, or to any healthy trade or business, and may send out to be nursed, supported, educated or adopted, any child being an inmate of the institution, or having the protection or aid thereof, to, by or with such person or persons, and upon such terms as to the managers shall seem proper.

Managers of charitable institutions may place out and apprentice children.

5. All such indentures, articles of apprenticeship or agreement already existing between any such institution, and any person to whom any child shall have been bound, apprenticed or indentured, shall have the same force and effect as if the same had been passed and executed under the provisions of this act.

Apprenticeship already existing made binding.

6. On the payment by any such institution to any child entitled to the same of any moneys received for the use and benefit of such child, by the institution under such indenture, articles of apprenticeship or agreement as aforesaid, a discharge therefor, whether *sous seing privé* or otherwise, given in favor of the institution by such child, being over fourteen years of age, shall be valid without its being necessary for such child to be represented by a tutor.

Child's receipts for moneys received by it from institution to be valid.

7. During the whole term of any placing out or apprenticeship of any child under this act, the rights, power and authority of the parents over and in respect of such child, shall cease and be vested in and exercised by the managers of the industrial or Reformatory School, or managers of the institution having charge of such child, as fully and effectually as they might have been held and exercised by such parents; saving, however, the right of any parent to apply to any judge of the superior court to have the child restored to his or her custody and control, and the indenture or agreement of any such placing out or apprenticeship cancelled; and such judge after notice to and hearing of the managers and satisfactory proof that the parent is a fit and proper person to take charge of the child, and that the child's condition will not thereby suffer, may, in his discretion, order the child to be restored to the parent, but shall not order the cancelling of the indenture or agreement, unless he is satisfied that the same was injudiciously or improperly entered into.

Managers to have parental authority over children placed out.

Saving right of parent to have the child restored to him on cause shewn.

8. Section ten of the Quebec Interpretation Act shall not apply to this act.

Sec. 10 of Interpretation act not to apply.

CAP. XIV.

An Act to provide for the Sale of certain Properties in the City of Montreal, and for the construction of buildings for the Jacques Cartier and Laval Normal Schools.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Lieutenant-governor may cause Normal School at Montreal to be sold.

1. It shall be lawful for the lieutenant-governor in council to cause to be sold, by public auction, the properties belonging to the government of this province, in the city of Montreal, on Notre Dame street, between Claude lane and Jacques Cartier square, and on Jacques Cartier square, together with all properties situate in the same locality, which may be transferred and assigned to the government of this province by the government of Canada.

Mode of sale shall be fixed by order in council and notice shall be given.

2. The order in council shall establish the division into lots of the said properties, the upset price of each of such lots, the period at which possession thereof shall be given to the purchaser, and the terms of payment; and notice thereof shall be given, at least three months before the sale, in the *Quebec Official Gazette*, and in at least four other newspapers, two whereof shall be published in the French and two in the English language; and, if it is deemed expedient, the said sale may be adjourned and advertised anew, in the same manner, but in such case notice for one month will suffice.

Proceeds of sale may be applied to Normal Schools at Montreal and Quebec.

3. The lieutenant-governor in council may employ the proceeds of the said sale, in the purchase of ground and in the construction of buildings suitable, in the first place, for the Jacques Cartier Normal School, in or near Montreal, and secondly, for the Laval Normal School, in or near Quebec, if the amount thereof admits.

CAP. XV.

An Act to amend the law respecting the Civil Erection of Parishes, with the view to facilitate the making of the Cadastres.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act the report of commissioners required by sections ten and eleven of chapter eighteen of the consolidated statutes for Lower Canada, and mentioned in section fifteen of the said chapter shall either contain or be accompanied with a diagram and a technical description (drawn up by a sworn provincial land surveyor) of the limits, bounds and division lines of the parish to be erected; which description shall be approved of by the commissioner of Crown Lands, before a proclamation shall issue in virtue of the said section fifteen.

2. If the parish to be erected be situated in a locality for which the official plans and books of reference have been deposited, the said technical description and diagram shall be based upon and have reference to the said official plan, and to the numbering, lettering and delineations thereof.

3. Whenever for the purpose of making the cadastral plan of any locality, the commissioner of Crown Lands, shall deem it necessary to obtain a sufficient description of the limits of any one of the parishes declared to be such by section five of the act of the late province of Canada, twenty-fourth Victoria, chapter twenty-eight, the said commissioner, may confer and agree with the proper ecclesiastical authorities in order that the limits of such parish may be properly defined by a canonical decree.

Whenever such canonical decree shall have been rendered, the lieutenant-governor may, upon the recommendation of the commissioner of Crown Lands, issue a proclamation defining the limits of the said parish, in conformity with the said decree, and such proclamation shall avail as a legal erection and confirmation for all civil purposes of the said parish within the said limits.

4. Notwithstanding anything contained in the foregoing section, all acts of civil status, municipal or other proceedings and generally all other acts, matters and things done and performed, previously to the coming into force of this act, and in respect of which the limits of any of the parishes mentioned in the said section were supposed or deemed to be different from those fixed by the said proclamation, shall be as valid and effectual to all intents and purposes as they would have been if the said section had not been enacted.

CAP. XVI.

An Act to amend the law respecting Cadastral Plans and books of reference.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Par. 2, of sss.
72, C. S. L. C.
37, amended

Basis of plans
in townships.

Roads become
private proper-
ty, may be en-
tered in the
schedule.

O. C. 2174.

Interpretation
of the word
"road."

Extension of
delay for re-
newal of regis-
tration of real
rights in
cadastral
localities.

1. The second paragraph of section seventy-two of chapter thirty-seven of the consolidated statutes for Lower Canada, is hereby amended so as to read, as follows :

"2. In the townships, the commissioner of crown lands shall use such maps or surveys, or cause such surveys to be made as he shall deem best adapted to ensure the correctness of the plans and books of reference to be made as aforesaid; but, unless any practical difficulty would arise from doing so, the original numbering of the lots and concessions shall always be preserved, and any sub-divisions thereof shall be distinguished in the country parts by letters or other devices as parts of such original lots, and in towns and villages by subordinate numbers or other devices, but always as parts of the original lots, which shall also be referred to; and whenever such difficulty shall occur, the lots shall be designated and described in such manner as the commissioner of crown lands shall regulate."

2. If after the deposit in the registry office of the plan and book of reference of any locality, a public road having no cadastral designation, but shewn on the said plan, shall become private property, there shall be given to the road, so become private property, a number, in the manner provided by article 2174 of the civil code, for the numbering of the lots omitted in the execution of the said plan and book of reference.

3 The word "road" in the preceding section shall include all by-roads, streets, lanes, or public places, or any parts of a road, by-road, street, lane or public place.

4. In so far as regards proclamations issued since the fifteenth day of June, one thousand eight hundred and seventy, or to be issued hereafter under the provisions of article 2169 of the civil code, or of section five of the act of this province, thirty-second Victoria, chapter twenty-five, the delay of eighteen months, fixed by article 2172 of the said code, for the renewal of the registration of real rights, is hereby extended to the period of two years from the date of such proclamations.

CAP. XVII.

An Act to amend the Act thirty-fourth Victoria, Chapter eight, respecting the Registers of Civil Status in a certain part of the District of Saguenay.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The period mentioned in the second section of the act of this province, thirty-fourth Victoria, chapter eight, for the coming into force of the said section, is hereby extended, and the said section is hereby, in consequence, amended, by striking out the words: "one thousand eight hundred and seventy-two," and substituting therefor the words: "one thousand eight hundred and seventy-three."

CAP. XVIII.

An Act to amend the law respecting mutual assurance associations of Fabriques, in so far as regards the dioceses of Montreal and St. Hyacinthe.

[Assented to 23rd December, 1871.]

WHEREAS the mutual assurance association of the Fabriques of the dioceses of Montreal and St. Hyacinthe have prayed for amendments to the act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and forty-nine, intituled "an act to incorporate the mutual assurance associations of the Fabriques of the dioceses of Quebec and Three Rivers, and of Montreal and St. Hyacinthe," and to the act passed in the eighteenth year of Her Majesty's reign, chapter sixty, amending the act firstly above-mentioned, and that it is expedient to grant the said prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding the enactment contained in the aforesaid acts of the legislature, the said mutual assurance association of the Fabriques of the dioceses of Montreal and St. Hyacinthe, shall have power, hereafter, if it so deems it proper, to insure against accidents by fire, all chapels, churches, sacristies, presbyteries and dependencies thereof, situate in all localities or missions, in the aforesaid dioceses of Montreal and St. Hyacinthe, not being Fabrique property, provided the person or persons thus causing such property (not being Fabrique property) to be insured, bind themselves towards and in favour of said association to contribute to the payment of losses which may arise from the destruction by fire, of any building or buildings insured by the said association, in proportion to the amount for which such building (not being Fabrique property) shall have been insured.

2. Every insurance to be obtained and taken on and upon any of said buildings (not being Fabrique property) may

The association may insure chapels, churches, &c., not Fabrique property.

Proviso.

In whose name insurance effected.

be obtained and taken by and in the name of the proprietor or occupant of such building.

The association may make agreements for the maintenance of its rights.

3. The said association, with a view of insuring against accidents by fire any chapel, church, sacristy, presbytery and dependencies thereof, (not being Fabrique property) shall have power to make, with the person or persons seeking to obtain such insurance, any agreement which it may deem proper, for the maintenance of its rights and the protection of its interest, provided the same is not contrary to the object for which the said association was incorporated.

Power to refuse to insure.

4. The said association may, if it thinks fit and proper, refuse to insure against accidents by fire, any of said buildings (not being Fabrique property) if any such building is too much exposed to accidents by fire.

Insurer subjected to rules of association.

5. Any person causing any building to be insured under the provisions of this act shall become subjected to the rules and regulations of the said association, in so far as such rules and regulations may be applicable.

C A P. XIX.

An Act to vest in the Synod of the Diocese of Montreal power to sub-divide Parishes constituted for Ecclesiastical purposes, under Royal Letters-Patent.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the Synod of the Diocese of Montreal have by their petition, represented that in order more effectually to carry out the power vested in the said synod, to promote the welfare and good government of the church of England within the limits of the said diocese, it is necessary that the said synod should be vested with power, from time to time, to sub-divide parishes constituted for ecclesiastical purposes by Royal letters-patent, issued under the provisions of the Imperial act thirty-first George III, chapter thirty-one, into two or more parishes, and to vest in each such sub-division all the powers originally conveyed by such letters-patent, and for other purposes mentioned in the said petition, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Synod of the Diocese of Montreal, in synod assembled, is hereby authorized, by any rule, regulation, or canon, to be adopted by such synod, to divide any parish within the limits of such diocese, constituted for ecclesiastical purposes under Royal letters-patent, issued as aforesaid, into two or more parishes; to establish, from time to time, the limits of each new parish so constituted, and afterwards to sub-divide the same, if deemed necessary; to vest in such division or sub-division all the powers conveyed in the letters-patent, and such additional powers as may be necessary for the welfare and good government of the church, not inconsistent with the laws in force in this province; and, from time to time, to alter, amend or rescind such rules, regulations, or canons, and others to substitute in their stead; provided always, that such division and distribution of said powers, and additional powers, shall not take effect without the consent of the rector in office at the time this act shall come into force, or until after his death.

Synod of Montreal may make, alter, repeal, &c., regulations, &c., to sub-divide parishes, and to confer certain powers on such sub-divisions.

Proviso as to consent of rector in office.

CAP. XX.

An Act to authorize the County Council of Nicolet to erect the Parish of Ste. Marie de Blandford into a Parish Municipality.

[Assented to 23rd December, 1871.]

WHEREAS Joseph Beauchêne, Théophile R. Laflèche, Noël Beauchêne, Pascal Poisson and Joseph Fournier, of the parish of Ste. Marie de Blandford, in the County of Nicolet, yeomen, have, by petition, represented that the parish of Ste. Marie de Blandford was erected into a parish for all civil purposes under and by a proclamation issued by His Excellency the Lieutenant-Governor, dated the eighth day of August last past; that the said parish of Ste. Marie de Blandford forms part of no municipality, and that the want of a rural inspector is greatly felt; that the said parish of Ste. Marie de Blandford does not contain a population sufficient in number to be erected into a parish municipality, under article 32 of the municipal code; and whereas they have, by their said petition, prayed that the county council of Nicolet be authorized to erect the said parish of Ste. Marie de Blandford into a parish municipality, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

Said parish may be made a municipality notwithstanding art. 32 of municipal code.

1. The county council of Nicolet may, at any time after the passing of this act, erect the territory forming the parish of Ste. Marie de Blandford into a parish municipality, under the name of "The Municipality of the Parish of Ste. Marie de Blandford," notwithstanding article 32 of the municipal code of the province of Quebec, and shall not be bound to conform to the formalities therein prescribed to so erect the same.

All provisions of law respecting municipalities shall apply.

2. All provisions of law respecting municipalities shall apply to the municipality of the parish of Ste. Marie de Blandford.

C A P. X X I.

An Act to divide the County of Chicoutimi into two Registration Divisions, and to separate it from the County of Saguenay for the purposes of Agricultural Societies.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

After certain day County of Chicoutimi shall form two registration divisions.

Limits thereof.

1. On and after the day to be fixed by proclamation as hereinafter mentioned, the County of Chicoutimi, for all the purposes of the acts relative to the registration of titles and other documents affecting real estate in the province of Quebec, shall be divided into two registration divisions, whereof one shall be called the registration division of Chicoutimi, number one, which shall comprise all that part of the county of Chicoutimi, situated to the east and south-east of the townships of Labarre and DuPlessis, and to the north of the river Saguenay as far as the river Peribonka, and the other which shall be called the registration division of Chicoutimi number two, shall comprise all that part of the county of Chicoutimi situated to the west and north-west of the boundaries aforesaid, including therein the townships of Alma and the islands situated to the west or in the neighbourhood of the said township.

Present registrar and office to continue for division No. 1.

2. The present registrar shall, without any new appointment, be the registrar for the said registration division of Chicoutimi number one, and the registry office at present established at the village of Chicoutimi shall be and continue to be the registry office of the said registration division of Chicoutimi number one.

3. A registrar may be appointed at any time after the passing of this act, for the said registration division of Chicoutimi number two, so soon as a suitable building with a safe shall be erected at the costs and charges of the parish selected in the said division, and in the locality designated by the lieutenant-governor, and such registrar shall enter into office on such day as shall be fixed for the purpose by proclamation of the lieutenant-governor.

Registrar may be appointed for No. 2, when building shall be erected as required.

4. In view of the extension of the settlements in the registration division number two, the lieutenant-governor may fix the registry office of the said registration division number two, elsewhere than in the place where the same shall have been first established.

Lieut.-Gov. may hereafter change place of registry office, No. 2.

5. Notwithstanding the act of the late province of Canada, twenty-seventh Victoria, chapter twenty-five, and section forty-three of the act of this province, thirty-second Victoria, chapter fifteen, the counties of Chicoutimi and Saguenay shall be separate for the purposes of agricultural societies, and one agricultural society may be formed in each of the said counties.

Notwithstanding 27 V., cap. 25, and sec. 43, of 32 Vic., cap. 15 Chicoutimi and Saguenay shall have separate agricultural societies.

C A P. X X I I.

An Act to amend the Act of this Province, thirty-second Victoria, Chapter fifty-two, respecting aid to certain Colonization Railways.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding anything to the contrary, contained in the act of this province, thirty-second Victoria, chapter fifty-two, whenever one continuous half of any of the railways named in the said act, or of the length of the St. Francis and Megantic International Railway, defined in section thirteen of the act of this Province, thirty-fourth Victoria, chapter twenty-one, or any continuous portion of such railways, not less than twenty-five miles in length, shall be completed and in operation, the lieutenant-governor in council may, on demand of the company, pay for such half, or for every such length of road, the full amount of the converted subsidy granted by the said act, in proportion to the number of miles so completed.

Full converted subsidy may be paid in certain cases.

It may be paid
either in
money or in
capitalized de-
bentures.

2. Such payment may be made either in money or by means of capitalized government debentures, and the provisions of sub-sections four, five, six, seven and eight, of section five of the said act, shall apply to the said debentures in the same manner as to the converted debentures mentioned in the said sub-sections, and shall subject the company and the railway, and all the properties and appurtenances thereof to the same obligations, conditions and lien, as they would have been subject to in the case of the payment of the annual subsidy or of debentures having been issued in virtue of the said act.

CAP. XXIII.

An Act to provide for the granting of certain lands in aid of the St. Francis and Megantic International Railway Company, and of the Quebec and Gosford Railway Company.

[Assented to 23rd December, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1,935,000 acres
of land set
apart for the
purposes of
this act.

1. From and out of the public lands of this province, certain lands forming a superficies of one million nine hundred and thirty-five thousand acres, more or less, are hereby set apart for the purposes of this act, that is to say: all the lands described in the schedule of this act, under the designations of blocks E and F, and comprised within the blocks or extents of territory delineated in red, and marked E and F, upon a certain lithographed copy of a map of the province of Quebec, drawn at the crown lands department of this province by Eugène Taché, assistant commissioner of Crown Lands, and dated Quebec, eighteen hundred and seventy, which lithographed copy is filed in the office of the clerk of the legislative council of this province, to remain of record for all the purposes of this act, and copies of which, in full or on a reduced scale, certified by the said clerk shall be deemed authentic for all legal purposes.

10,000 acres
per mile may
be granted on
certain condi-
tions to the St.
Francis and
Megantic
International
R. Co.

2. The lieutenant-governor in council may, subject to the provisions of the two next following sections, grant to the St. Francis and Megantic International railway company, for the construction of that portion of its railway, within this province, between the place where the said railway leaves the line of the Grand Trunk railway and the province line, ten thousand acres of land for each mile of such

portion of railway; the said land to be chosen within the limits of the said block E.

3. The company shall be entitled to the said grant upon the following conditions only : Conditions of said grant.

The said portion of railway shall have been completed to the province line, and put into operation, to the entire satisfaction of the lieutenant-governor in council, on or before the first day of January, one thousand eight hundred and seventy-seven ;

The lieutenant-governor in council, if he thinks proper, may, nevertheless, when it is established that the said company is actively engaged in the construction of its works, grant to it, for each twenty-five miles of the said portion of the road completed, a portion of the said lands, proportionate in quantity to such length of road.

4. No grant shall, however, be made under this act, to the said company, unless on or before the first day of January, one thousand eight hundred and seventy-three, it shall have signified to the secretary of the province, its acceptance of such grant in lieu of any subsidy to which it might be entitled under the colonization railway aid act of 1869, and section thirteen of the act thirty-fourth Victoria, chapter twenty-one. No grant unless it is accepted before 1st. January, 1873, in lieu of subsidy under sec. 13 of 34 V. c. 21.

5. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the Quebec and Gosford railway company, for the building of the extension of their railway, from its present terminus at Gosford, to the mouth of the river Metabetchouan, on Lake St. John, ten thousand acres of land for every mile of such extension, which land the said company is hereby authorized to receive, notwithstanding and without prejudice to section five of the act of this province, thirty-fourth Victoria, chapter twenty-four, or any other provision of law; and the said land shall be chosen by the lieutenant-governor in council, on the report of the commissioner of Crown Lands, from within the said block F. 10,000 acres per mile may be granted for extension of Quebec and Gosford railway. Sec. 5 of 34 V. c. 24.

6. The said Quebec and Gosford railway company shall be entitled to the said grant on the following conditions only : Conditions of said grant.

The said extension of railway shall have been completed from the said terminus at Gosford to the mouth of the river Metabetchouan, on Lake St. John aforesaid, and have been put into operation, to the entire satisfaction of the lieutenant-governor in council, on or before the thirty-first day of December, one thousand eight hundred and seventy-six ;

Nevertheless, the lieutenant-governor in council may, if

he thinks proper, when it is established that the said company is actively engaged in the construction of its works, grant to it, for each twenty-five miles of the said extension of railway, a portion of the said lands proportionate in quantity to such length of road.

Provision in case of the company changing its name under 34 V. c. 24.

7. In the event of the name of the said Quebec and Gosford railway company being at any time hereafter changed, in virtue of the provisions of the act thirty-fourth Victoria, chapter twenty-four, the provisions of this act may be carried out in respect of the said company under its new name, in the same manner as might have been done under its present name.

Each company must have begun to build before 1st May, 1874.

8. In case either of the above named companies shall not have *bond fide* commenced to build its portion of railway as above mentioned, within two years from the first day of May next, it shall forfeit all claims to land under this act.

Plan of each railway to be furnished. No grant for any excessive length.

9. A copy of the plan of each of the said railways shall be furnished to the provincial secretary, and if the lieutenant-governor in council should be of opinion that the line of railway adopted by the company is longer than it should be, he shall withhold a portion of the grant, authorized by this act, proportionate to the number of miles which he shall deem to be in excess of the proper length.

SCHEDULE.

BLOCK E.

The territory lying on the S. W. bank of the River St. Maurice, and being situate partly in the counties of Portneuf and Champlain, and bounded and circumscribed as follows: beginning at the mouth of Trout River, one of the westerly tributaries of the River St. Maurice aforesaid, at the 127th mile-post planted by P. L. S. Bignell, in 1847, at the point marked *e*, on the accompanying plan, by a line running astronomically south 45° west, a distance of 28 miles to the point *f*, thence on the astronomical bearing, north 45° west, 46 miles to *g*; from this point, at right angles, to this last mentioned line, and on the course north 45° east astronomically, 19 miles more or less, to its intersection with the west shore of Lake Travers, one of the head waters of the River St. Maurice, at the point marked *h*, being due west from the 190th mile-post, planted by the

said P. L. S. Bignell, on the east side of said Lake Travers; then following the west bank of Lakes Travers and Shamgois, and in continuation in a south-easterly direction, the west shore of the said St. Maurice River, to the place of beginning as at *e*.

The said block E, containing a superficies of 752,000 acres more or less.

BLOCK F.

The territory forming part of the unoccupied lands of the Crown, situate in the counties of Quebec, Montmorency, and Chicoutimi, and bounded as follows, that is to say :

Beginning on the line of exploratory survey from Stoneham to lake St. John, established in 1847, by the surveyor, F. W. Blaiklock, at the post planted by him to mark the twenty-ninth mile from the south-western angle of the said township of Stoneham, at the place indicated by the letter G, on the above mentioned plan, thence following the said line on the astronomical bearing north 15° west for a distance of twelve miles, to the post which marks the forty-first mile of the said survey ;

From such point marked H, on the above mentioned plan, by a line running north 70° east, a distance of eighteen miles to I, the said point being situated one mile from the colonization road from Quebec to lake St. John ; thence on a line parallel to the various sinuosities of the said road, always at the same distance of one mile, in a general northerly direction, 18° west to the forty-eighth degree of north latitude, which forms the boundary between the counties of Quebec and Montmorency, and the county of Chicoutimi, to the point J, a distance of twenty-seven miles, and thence on a line parallel to that of the road hereinbefore mentioned, in a general northerly course, 36° west, about nine miles to the point K ;

Thence following a line running north $73^{\circ} 50'$ west, a distance of forty-five miles, till it meets the main branch of the river Croche, in L ;

Thence descending the course of the said river, towards the south-west, about fourteen miles to M ;

The said Block F being in the said locality, bounded on the north-east side by the last timber limits conceded on the eastern bank of the river Croche, running south 75° east, a distance of ten miles, and in prolongation thereof a mile and a half, to its intersection with the line of exploration drawn in 1854, by the surveyor, F. W. Blaiklock, from Latuque to lake St. John, to the point designated by the letter N, on the said plan ;

Thence on the said line of exploration south 22° west, astronomically, a distance of four miles and a-half to O, on the forty-eighth degree of north latitude aforesaid, and following such parallel towards the east, a distance of fifteen miles to P, to the point where it intersects the river Waquagamakasis;

Ascending the said river, which discharges into the lake des Commissaires, and following its eastern bank, and the corresponding shore of lake Najaoualank, (one of the sources of the Grand River Bostonnais) and in continuation, that of the river Pequouaquasoui, to the letter D, which marks the north-west angle of block B, granted to the North Shore and the Montreal Northern Colonization Railway Companies, a distance of about twenty-four miles; thence due east, following the northern boundary of the said block B, for a length of two miles to E; thence pursuing, for twenty-three miles, the eastern and south-eastern line of the said block B, to the point Q, which line should follow for about six miles the general course of the river Métabetchouan, and the line established by the surveyor, Eugène Casgrain, defining the position of the projected railway from Quebec to lake St. John;

Lastly, from the said last mentioned point, on a course east astronomically, six miles to R, at the intersection of the said line of exploration hereinbefore mentioned, and in continuation in the same direction, ten miles to G to the point of departure hereinbefore firstly mentioned.

The said block F, containing one million, one hundred and eighty-three thousand acres in superficies.

C A P . X X I V .

An Act to amend the Charter of the Quebec and Gosford Railway Company.

[Assented to 23rd December, 1871.]

Presumbl.

WHEREAS Henri Gustave Joly, Eugène Chinic, and Pierre Garneau, esquires, all of the city of Quebec, have, by their petition, prayed that an act may be passed, authorizing and empowering the Quebec and Gosford Railway Company, to make agreements for leasing the line of railway belonging to the said company, and confirming the lease thereof made by the said company, and authorizing and empowering the said company to have a depot, a workshop, a yard and wharves at or near the Palais harbor, and to prolong their line of railway to the said depot; and whereas it is expedient, not only in the in-

terest of the said company, but also in the interest of the inhabitants of the city of Quebec and of the neighborhood, and of the township of Gosford and intermediate parishes, as well as of the parishes and townships adjacent thereto, respectively, that the prayer of the said petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said company may make agreements with any other railway company incorporated or to be incorporated by competent legislative authority either of the late province of Canada, or of the province of Quebec, or with any person or persons, for leasing the said railway or any part or branch thereof, or the use thereof, or any locomotives, tenders, cars or other rolling stock or movable property, or the use thereof, at any time or times after the expiration of the lease thereof hereinafter mentioned and confirmed, and for any period, or for leasing or hiring from any such other company, any railway or any part or branch thereof, or the use thereof, or any locomotives, tenders, cars or other rolling stock or movable property, at any time or times and for any period, and generally to make any agreement or agreements with any such other company touching the use by one or other, or by both companies, of the railway or rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such leases, agreements and arrangements shall be valid and binding, and may be enforced by all courts of law or equity according to the tenor and effect thereof.

As to agreements with other companies.

2. The lease of the said Quebec and Gosford Railway, with its rolling stock and all its other appurtenances, sidings, stations, station-houses, terminus and extension, made by the president and secretary-treasurer of the said company, acting for and on behalf of the said company, and duly authorized for that purpose by resolutions of the board of directors of the said company, in accordance with resolutions passed at meetings of the shareholders of the said company, in favor of Jerome B. Hulbert, esquire, of the said city of Quebec, railway contractor, by deed duly executed at the said city of Quebec, on the first day of August, in the year of Our Lord one thousand eight hundred and seventy-one, under number one thousand six hundred and fifty-three, before Jacques Auger, notary public for the province of Quebec, is hereby ratified and confirmed, and the directors of the said company have and shall have full power and authority to carry out the same and all and every the provisions thereof.

Certain deed of lease of the railway confirmed.

Part of sec. 12, of 32 V., c. 53, repealed, and locomotives may run over part of street railway track, with consent of Corporation of Quebec.

3. The exception relating to locomotives in section twelve of the act of incorporation of the said company, passed in the thirty-second year of Her Majesty's reign, chapter fifty-three, is hereby repealed so far as respects that portion of the track of the Quebec Street Railway Company which extends from the western boundary of the city to opposite the Palais harbor; and if so agreed between the companies, locomotives may run on so much of the track of the said Quebec Street Railway Company, the consent to that effect of the Corporation of the City of Quebec, acting by and through the City Council of Quebec, who are hereby authorized and empowered to give such consent, being first had and obtained.

Power to extend railway to Palais Harbor, and to have a depot, &c., there.

4. The said Quebec and Gosford Railway Company and their agents and servants, and other persons in their employ may lay out, construct and work a double or single track wooden or iron tramway or railway, of such width or gauge as the said company see fit, in prolongation of the railway of the said company, from the present terminus thereof at St. Sauveur, by such route as they see fit, to some point at or near the Palais harbor, in the city of Quebec, and may establish and have a depot, a yard a workshop and wharves at or near the said Palais harbor.

Power on certain conditions to take certain lands for the use of the said extension.

5. The said Quebec and Gosford Railway Company may, by and with the consent of Her Majesty's principal Secretary of State for the war department, or of the governor-general of Canada, in council, or of the lieutenant-governor of the province of Quebec, in council, or of the corporation of the city of Quebec, as the case may require, take and appropriate for the use of the said extension of the said railway, but may not alienate, any land in the city of Quebec vested in Her Majesty's said principal Secretary of State, or vested in Her Majesty for the purposes of the Dominion of Canada, or for the purposes of this province, or vested in the corporation of the city of Quebec, lying in or along the route of the said extension, as may be deemed necessary for the making and completing and more conveniently using and working the said extension of the said railway; and thereon may erect and establish such depots, workshops, yards, wharves, quays, inclined planes, cranes and other works as to the said company may seem meet.

Power with consent of Q. corporation to run on or cross any street.

6. The said company may lay out and construct and work the said extension of the said railway in and along or across any street in the said city lying in the route thereof with the consent of the corporation of the said city, acting by and through the city council thereof, who are hereby authorized and empowered to give such consent.

7. The chapter twenty-fourth of the thirty-fourth Victoria, 34 V. c. 24
 ria; "An Act to authorize the Quebec and Gosford Railway Company to prolong their railway to lake St. John," is hereby amended, as follows: "the words nine hundred and fifty thousand dollars divided into ninety-five thousand shares of ten dollars each," in the third section of the said act, are struck out, and replaced by the following: "two millions five hundred thousand dollars, in shares of one hundred dollars each, for that part of the said capital stock, in excess of the original capital stock of one hundred and twenty thousand dollars;" and the words "one thousand eight hundred and seventy-six," in the fourth section, are struck out, and replaced by the words "one thousand eight hundred and seventy-eight."
amended.
 Stock increased.
 Delay extended.

8. This act shall be deemed a special act, according to the true intent and meaning of the Quebec Railway Act, 1869.
This act considered as special act.

C A P. X X V.

An Act to amend the Act relating to the Missisquoi Junction Railway Company.

[Assented to 23rd December, 1871.]

WHEREAS the Missisquoi Junction Railway Company have petitioned the Legislature for certain amendments to their act of incorporation; and inasmuch as the said company are taking measures to construct the said railway, and as a large amount of stock has been subscribed by municipalities and by private individuals, and as a board of provisional directors has been appointed, it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

1. Notwithstanding anything in the Quebec railway act, 1869, or in the act thirty-second Victoria, chapter fifty-nine, the corporate existence of the said Missisquoi Junction Railway Company shall continue in full force and effect, for a further period of five years, from the date of the passing of the present act.
Quebec R. act of 1869, 32 V. c. 59.
 Charter of company extended for five years from passing of this act.

2. This act, and the act hereby amended, shall be held and construed as though forming one and the same act; and the expression "the charter of the Missisquoi Junction Railway Company," shall be a sufficient citation of the said act, as hereby amended.
This and the amended act to form one.

CAP. XXVI.

An Act to incorporate the "Ottawa and Gatineau Valley Railroad Company."

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the persons hereinafter named and others, have, by their petition, represented that a line of railway to be constructed from a point on the North bank of the Ottawa River, at or near the village of Hull, in the township of Hull, to a point at or near the confluence of the Rivers Desert and Gatineau, known as the Desert village, running on the west side of the river Gatineau, would colonize and settle the fertile lands of the Gatineau Valley, and speedily develop its resources, agricultural, manufacturing and mineral, and largely increase the wealth and population of the province of Quebec, and have prayed to be incorporated as a company for constructing, equipping and managing such railroad, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons constituted a corporation.

1. The honorable James Skead, the honorable Malcolm Cameron, the honorable George Bryson, E. B. Eddy, M.P.P., Alonzo Wright, M.P., J. L. P. O'Hanly, C.E., Edward McGillivray, J. M. Currier, M.P., H. V. Noel, John Poupore, M.P.P., J. T. C. Beaubien, M.D., James A. Grant, M.P., I. B. Taylor, R. W. Scott, M.P.P., Robert Lyon, W. H. Waller, Francis McDougall, P. A. Egleson, sen., James Goodwin, R. W. Cruice, Martin O'Gara, Thomas McGoey, John McLaren, Andrew Pritchard, Patrick Farrel, Martin Malley, John Litle, Joshua Ellard, Louis Duhamel, M.D., Philomen H. Wright, and Charles Logue, Esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of the "Ottawa and Gatineau Valley Railroad Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations, by the Quebec railway act, 1869, subject to the provisions hereinafter contained.

Corporate name and general powers.

Power to build railroad within certain limits.

2. The said company and their agents and servants may lay out, construct and finish a single or double line of railroad, of such width or gauge as the company see fit, from the north side of the Ottawa river at or near the village of Hull, in the township of Hull, along the west side of the river Gatineau to a point at or near the Desert village, at or near the confluence of the rivers Desert and Gatineau.

3. The capital stock of the said company shall not exceed in the whole, the sum of one million dollars, with power to increase the same as provided by the Quebec railway act, 1869, to be divided into forty thousand shares, of twenty-five dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and corporations as may become shareholders in the said company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this act, and for making the surveys, plans, and estimates connected with the railroad; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railroad, and other purposes of this act.

Capital stock
and shares,
and how to be
applied.

4. It shall be lawful for the said company to receive by grant either from Government or from any individuals or corporations, municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said railroad, any vacant lands in the vicinity thereof or elsewhere, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of the same, and alienate the lands or other real or personal property for the purposes of the said company in carrying out the provisions of this act.

Company may
receive aid in
land, &c., and
dispose
thereof.

5. The honorable James Skead, the honorable Malcolm Cameron, the honorable George Bryson, E. B. Eddy, M.P.P., Alonzo Wright, M.P., J. L. P. O'Hanly, C.E., Edward McGillivray, J. M. Currier, M.P., H. V. Noel, John Poupore, M.P.P., J. T. C. Beaubien, M.D., James A. Grant, M.P., I. B. Taylor, R. W. Scott, M.P.P., Robert Lyon, W. H. Waller, Francis McDougall, P. A. Egleson, senr., James Goodwin, R. W. Cruice, Martin O'Gara, Thomas McGoe, John McLaren, Andrew Pritchard, Patrick Farrell, Martin Malley, John Litle, Joshua Ellard, Louis Duhamel, M.D., Philomen H. Wright and Charles Logue, Esquires, shall be and are hereby constituted a board of provisional directors of the said company, nine of whom shall form a quorum, and shall hold office as such until other directors shall be elected under the provisions of this act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada any sums of money received by them on account of stock subscribed, and to withdraw the same for the purposes of the

Provisional
directors, and
their powers.

undertaking, and to receive for the company any gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railroad, which agreement shall be binding upon the company, and generally to do all such other acts as such board, under the Quebec railway act, 1869, may lawfully do.

The said directors are hereby empowered to take all necessary steps for opening stock books for the subscriptions of parties desirous of becoming shareholders in the said company, and all parties subscribing to the capital stock of the said company, shall be considered proprietors and partners in the same.

First meeting
of shareholders
and election of
directors.

6. When and so soon as one-tenth part of the capital stock, (which capital stock shall not be less than four hundred thousand dollars,) shall have been subscribed as aforesaid, either in municipal debentures, granted by way of bonus, or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, and one-tenth of the amount so subscribed paid in, the said directors, or a quorum of them, may call a meeting of shareholders, at such time and place as they think proper, giving at least two weeks' notice in one or more papers, in English and French, published in the city of Ottawa, and one paper in French and English, in the county of Ottawa, if there be such, at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five, nor more than nine directors, in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the first Wednesday in February, in the year following their election.

Annual general meetings
for like purposes.

7. On the said first Wednesday in February, and on the first Wednesday in February in each year thereafter, at the principal office of the said company, there shall be held a general meeting of the shareholders of the company, at which meeting the said shareholders shall elect a like number of not less than five, nor more than nine directors, for the then ensuing year, in the manner and qualified as hereafter provided; and public notice of such annual meeting and election shall be published, for one month before the day of election, in one or more newspapers, in French and English, in the city of Ottawa, and one newspaper in French and English, if such there be, in the county of Ottawa, and the election of directors shall be by ballot, and the persons so elected shall form the board of directors.

8. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors, as well as the provisional board of directors, may employ one or more of their number as paid director or directors; provided, however, that no person shall be elected unless he shall be the owner and holder of at least ten shares of the stock of the said company, and shall not be in arrear.

Quorum of directors.

Qualification.

9. Any municipal council of a municipality, which has given a bonus in aid of the said railroad or its branches, amounting to not less than ten thousand dollars, shall be entitled during the construction of the railroad, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company, in addition to all the other directors authorized by this act, or by the Quebec railway act, 1869, or any other act, but such municipality shall incur no liability by the appointment of such director.

A municipality subscribing a certain amount to appoint a director during construction.

10. Any municipal council of any municipality, holding stock in the said railroad, to an amount of not less than ten thousand dollars, shall be entitled to appoint one person annually to be a director of the company; and any municipal council of any municipality, holding not less than one hundred thousand dollars stock in the said railroad, shall be entitled to appoint annually two persons to be directors of the said company, and such person or persons shall be a director or directors of the said company in addition to all the other directors authorized by this act.

Municipalities taking stock to appoint directors.

11. The directors may at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per cent., and the directors shall give one month's notice of such call, in such manner as they may appoint.

Calls by directors.

Amount limited.

12. Notwithstanding anything contained in the Quebec railway act, 1869, the said directors, may, with the permission of the railway committee of the Quebec Government, and under the powers and provisions of the said act, acquire and hold any width of land on the sides of the railroad and its branches at any point of the line, as may be needed, for the erection of snow drift fences or barriers, at a sufficient distance from the track, to prevent the obstruction of the line by drifting snow.

Power to acquire land for snow-fences, &c.

13. The company may, with the consent of the owners, acquire and hold land from which to obtain supplies of gravel, stone and filling required by the company for their works, and may sell and convey the same or any part thereof, when no longer required.

Gravel pits.

Sale or mortgage of land.

14. The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said railroad, or received by it as a gift in aid

Company may become parties to promissory notes, &c.

15. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note, made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the said president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Prov'iso.

Company may issue debentures chargeable on the railroad.

16. The directors of the said company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the company, or any, either or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof, and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places, as the directors from time to time may appoint and direct; and the payment to the treasurer of the company, or to any other person appointed for the purpose by any *bond fide* purchaser of any of the lands in the fourth and fourteenth sections of this act mentioned, of the purchase money thereof, and the acquittance of such treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and, until other provisions be made therefor, the treasurer of such company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the company, and the money so received shall be invested, from time to time, in government securities, or in the stock of some solvent and well established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The

As to payments on lands so charged.

said bonds or debentures shall be signed by the president or vice-president, and shall have the corporate seal of the company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of the railroad under contract, or to be constructed under and by virtue of this charter, but no such debentures shall be for a less sum than one hundred dollars.

Form of bonds;
Proviso;
amount limited

17. The directors of the said company, elected by the shareholders, in accordance with the provisions of this act, shall have power and authority to enter into and conclude any arrangements with any other chartered railroad company, for the purpose of making any branch or branches to facilitate a connection between this company and any other chartered railroad company.

Company may
arrange to
connect with
other railroads.

18. The company may enter into an agreement with any other chartered railroad company for leasing to such company the said railroad, or any part or branch thereof, or the use thereof at any time or times, and for any period, or for leasing or hiring as lessors or lessees, any locomotives, tenders, cars or other rolling stock or movable property under such sanction as hereinafter mentioned, and generally to make any agreement or agreements with any such other company, touching the use by one or other, or by both companies of the railroad or rolling stock, or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such leases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law, according to the tenor and effect thereof, or such other railway company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the railroad company hereby incorporated, in like manner and with the like rights as individuals; provided the said leases, agreements and arrangements, have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders, called for the purpose of considering the same respectively, on due notice, given as of annual general meetings for the election of directors.

Company may
lease their
railroad, or
lease that of
another com-
pany, and
make agree-
ments for use
of either rail-
way, &c.

Proviso.

19 The said board of directors shall elect and appoint a president and a vice-president or vice presidents, and the necessary officers, and fill up vacancies from time to time, but the said president and vice-presidents shall be elected annually, immediately after the election of directors, except that in filling up a vacancy, the election may be made at any time.

President, &c.,
and filling
vacancies.

Subscriptions
of stock.

20. The said board of directors are hereby authorized to take all necessary steps for procuring subscriptions for stock until the whole has been taken up, and to make, execute and deliver scrip and share certificates therefor, as they shall deem expedient.

Form of con-
veyance of
land.

21. Any deed of conveyance of land to the said company, shall be in the form of Schedule A, to this act annexed, and may be enregistered at full length, upon the affidavit, of one of the witnesses to the execution thereof, made before one of the officers, usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect, as if such deed were executed before a notary.

Directors may
use wooden
rails for a cer-
tain length of
line, and not
longer than
five years.

22. The directors of the said company may, if they see fit, use wooden rails on any portion of the said railroad not exceeding one-half of its whole length, for any term not exceeding five years, when the said wooden rails, shall be replaced by iron rails.

Time in com-
mencing and
completing
the work.

23. The powers given by this act shall be exercised by the commencement of the said railroad, within three years after the passing of this act, and its completion within seven years therefrom.

Name of act.

24. This act shall be cited as the "Ottawa and Gatineau valley railroad act."

SCHEDULE A.

Know all men by these presents that I, A. B., in consideration of _____, paid to me by the Ottawa and Gatineau valley railroad company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Ottawa and Gatineau valley railroad company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said company, their successors and assigns for ever.

Witness my hand and seal, this _____ day of _____
one thousand eight hundred and _____

Signed, sealed and delivered, ed, in presence of	}	A. B.	{	(L. S.)
C D, E F.				

CAP. XXVII.

An Act to incorporate the Point Levis and Indian Cove Junction Railway Company.

[Assented to 23rd December, 1871]

WHEREAS the persons hereinafter named and others, Preamble.
have petitioned for incorporation as a company, to construct the railway hereinafter described, and the construction of such railway would be of great benefit to the commerce, and for the general advantage of the province of Quebec; and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of of the Legislature of Quebec, enacts as follows:

1. John Gilmour, Duncan Patton, William Rhodes, Incorporation and corporate name.
George Benson Hall, Honorable Thomas McGreevy, Peter Arnold Shaw, Honorable Joseph G. Blanchet, Jacques Jobin, Arthur H. Murphy, James Patton and Louis P. Demers, esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Point Levis and Indian Cove Junction Railway Company."

2. The said company, and their agents, and servants, Line of the railway.
may lay out, construct, and finish a double or single track, of iron or steel railway, of such width and gauge as the company may see fit, from some point on the Grand Trunk Railway, in the parishes of St. Michel or St. Charles, in the county of Bellechasse, by passing through the parish of St. Joseph of Levis, opposite Quebec, and to join the Grand Trunk in the town of Levis, or any other road in the same direction as the company may see fit.

3. The capital stock of the said company shall not exceed five hundred thousand dollars, with power to increase Capital stock and shares, and how to be applied.
the same as provided by the Quebec railway act, 1869, to be divided into fifty thousand shares, of ten dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passage of this act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this act; provided always, that

until the said preliminary expenses shall be paid out of the said stock, it shall be lawful for the municipality of any county, city, town or township interested in the railway, or otherwise, to pay out of the general funds of such municipality, such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

Board of
Directors con-
stituted; their
powers.

4. The said John Gilmour, Duncan Patton, William Rhodes, George Benson Hall, Honorable Thomas McGreevy, Peter Arnold Shaw, Honorable Joseph G. Blanchet, Jacques Jobin, Arthur H. Murphy, James Patton and Louis P. Demers, esquires, shall be and are hereby constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this act, by the shareholders, with power to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other directors as hereinafter provided, and generally to do all such other acts as such board under the Railway Act may lawfully do.

Subscriptions
for stock.

5 The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company, and all parties subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

When first
general meet-
ing shall be
held.

6. When and so soon as one-tenth part of the said capital stock (which stock shall not be less than fifty thousand dollars) shall have been subscribed as aforesaid, and one-fifth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of shareholders at such time and place as they may think proper, giving at least two weeks notice in one or more newspapers published in the city of Quebec, and in the town of Levis, at which meeting, and at the annual general meeting in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the first Monday in the month of July, in the year following their election, and the said directors may employ any of their number as paid officers of the company.

Annual elec-

7. On the said first Monday of July, and on the first

Monday of July, in each year thereafter, at the principal office of the said company, there shall be holden a general meeting of the shareholders of the said company, at which meeting the said shareholders shall elect a like number of directors for the ensuing year, in manner and qualified as hereinafter provided, and public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in the city of Quebec, and in the town of Levis, and the elections shall be by ballot; and the person so elected, together with the *ex-officio* directors under the said Quebec railway act, 1869, shall form the board of directors.

8. Five directors shall form a quorum for the transaction of business, provided however that no person shall be elected a director unless he shall be the holder and owner of at least fifty shares of the stock of the said company, and shall have paid up all calls on the said stock.

9. In the election of directors under this act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and shall be entitled to vote either in person or by proxy.

10. The directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, no such instalments shall exceed ten per cent, and one month's notice thereof, shall be given in such manner as the directors may appoint.

11. The directors, or a majority of them, may supply the place or places of any of their number, from time to time, dying or declining to act as such directors, from among the several persons being subscribers for or owning and holding shares in the said company sufficient to qualify him or them to act as directors as aforesaid.

12. All deeds and conveyances of lands to the said company for the purposes of this act, in so far as circumstances will admit, may be in the form given in schedule A, to this act subjoined, or in any other form to the like effect, and for the purpose of due enregistration of the same, all the registrars in their respective counties are required to be furnished by, and at the expense of the said company, with a book with copies of the forms given in the said schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstance of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any

memorial, in the said book, and shall minute the enregistration or entry on the deed, and the registrar shall charge and receive, from the said company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Company may
become parties
to notes, &c.

13. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange, made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the said president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Bonds for
raising money
by loan, bearing
hypothec.

14. The directors of the said company shall have the power to issue their bonds or debentures, signed by the president or vice-president of the said company, and countersigned by the secretary-treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be, and be considered to be, privileged claims upon the property and rolling stock of the said company, and shall bear hypothec upon the said railway, lands, buildings, bridges, or any, either, or all of them, as may be expressed by the said bonds or debentures; and the said bonds or debentures shall form a first charge on the tolls and income of the company, or any portion of them, or on all, as may be expressed by the said bonds or debentures; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway (bridges included) under contract, or to be constructed under and by virtue of this act, but no such bond or debenture shall be for a less sum than one hundred dollars.

15. It shall be lawful for the said company to enter into an agreement with the Grand Trunk Railway Company of Canada, and with the North Shore Railway Company, or with any other railway company, in the province of Quebec, for leasing the railway, or any part thereof, or the use thereof at any time or times, to such other company, for leasing or hiring to or from the said Grand Trunk Railway Company of Canada, or such other company, any railway or part thereof, or the use thereof, or for leasing to or hiring from such company or companies, any bridges, locomotives or movable property, or the use thereof, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; or such other railway company may agree to loan its credit to, and become the owner of the whole or a part of the stock of the railway company hereby incorporated, in like manner and with like rights as individuals; provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general meeting of the shareholders, called for the purpose of considering the same respectively, on due notice given, as provided by the Quebec railway act, 1869.

16. The powers conferred by the present act shall wholly cease, if the works are not commenced within three years from the passing of this act, or if they are not finished and put in operation within eight years from the passing of the present act.

17. This act shall be subject to the said Quebec railway act, 1869, except in so far as the special provisions of this act may be inconsistent therewith.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents that I, A. B., of
do hereby, in consideration of paid to
me by the Point Levis and Indian Cove Junction Rail-
way Company, the receipt whereof is hereby acknow-
ledged, grant, bargain, sell and convey unto the said Point
Levis and Indian Cove Junction Railway Company, their

successors and assigns, all that tract or parcel of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to have and to hold the said land and premises unto the said company, their successors and assigns for ever.

Witness my hand and seal, this day of
one thousand eight hundred and

Signed, sealed and delivered }
in presence of A. B. (L. S.)

CAP. XXVIII.

An Act to incorporate the Waterloo and Magog Railway Company.

[Assented to 23rd December, 1871.]

Prosa ble.

WHEREAS Ralph Merry, Samuel Hoyt, N. A. Beach, J. J. Webster, N. B. Wadleigh, M. W. Copp, A. H. Moore, H. H. Bachelder, James Taylor, Calvin Abbott, E. S. Mazurette, J. W. Merry, E. D. Newton, W. W. Oliver, esquires, and others, have petitioned that an act may be passed creating a company to be authorized to construct a railroad from Waterloo, in the county of Shefford, in the general direction of Stukely, Bolton and Magog, to connect with the Massawippi Valley Railway, and whereas it is expedient to grant the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. Ralph Merry, E. D. Newton, Samuel Hoyt, T. L. Hoyt, A. H. Moore, M. W. Copp, N. A. Beach, W. W. Oliver, G. O. Somers, esquires, with such other persons, corporations or municipalities as shall, under the provisions of this act, become shareholders in the company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Waterloo and Magog Railway Company."

Power to construct railway on certain line.

2. The said company and their agents and servants shall have full power and authority, under this act, to lay out, construct, make and finish a double or single track wooden or iron railway at their own costs and charges, of such width or gauge as the company see fit, from the village of Waterloo, in the township of Shefford, or in the direction desired by the said company, from any point between the said village of Waterloo and the westerly boundary line of the

township of Magog, thence to the outlet of Memphremagog lake, and thence to the town of Sherbrooke, or to such point as shall best secure a favorable connection with the Massawippi Valley Railway; and the said company shall have power and authority to construct the different sections of the said railway in such order as they see fit, keeping in view the general direction as hereinbefore provided.

3. The capital stock of the said company shall not exceed in the whole the sum of one million of dollars, to be divided into ten thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this act and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this act; provided always that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town or township interested in the said railway or otherwise, to pay out of the funds of such municipality such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed in payment of stocks.

Capital stock.
Proviso: as to payment of preliminary expenses.
By municipalities.

4. Ralph Merry, E. D. Newton, Samuel Hoyt, T. L. Hoyt, A. H. Moore, M. W. Copp, N. A. Beach, W. W. Oliver and G. O. Somers, esquires, shall be and are hereby constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this act, by the shareholders, and shall have power and authority, immediately after the passing of this act, to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and, as hereafter provided, to call a general meeting of shareholders for the election of directors.

Provisional directors.
Their powers.

5. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company, and all parties subscribing to the capital stock of the said company, shall be considered proprietors and partners in the same.

Opening stock books.

6. When and so soon as fifty thousand dollars shall have been subscribed, as aforesaid, and five thousand dollars shall have been paid in, the directors shall call a meeting for the election of first directors.

Meeting for election of first directors.

lars paid in on account of such shares, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the counties through which the said railway shall pass, at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors in the manner, and qualified as hereinafter provided, which said nine directors shall constitute a board of directors, and shall hold office until the first Wednesday in September in the year following their election.

Meeting for election of subsequent directors.

7. On the said first Wednesday in September, and on the first Wednesday in September in each year thereafter, at the principal office of the said company, there shall be holden a general meeting of the shareholders of the said company, at which meeting the said shareholders shall elect nine directors for the then ensuing year, in manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers, published in the towns or counties along the line of railroad; and the elections for directors shall be by ballot, and the persons so elected, together with the *ex-officio* directors, under "the Quebec railway act, 1869," shall form the board of directors.

Quorum of directors.

8. Five directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the said company, and shall have paid up all calls on the said stock.

Voting.

9. In the elections of directors under this act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on shares.

10. It shall and may be lawful for the directors, at any time, to call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportion as they may see fit; no such instalment shall exceed ten per cent., and one month's notice thereof shall be given, in such manner as the directors may appoint.

Form of conveyances of lands.

11. All deeds and conveyances of lands to the said company, for the purposes of this act, in so far as circumstances

will admit, may be in the form given in schedule A, to this act subjoined, or in any other form to the like effect, and for the purposes of due enregistration of the same, all registrars, in their respective counties, are required to be furnished by, and at the expense of the said company, with a book with copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blanks, to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the deed; and the registrar shall charge and receive from the said company, for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

12. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory notes or bills of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the said president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

13. The directors of the said company shall have the power, upon being duly authorized thereto, by a vote of a majority of stockholders in the said company, present at any annual meeting in the month of September, or at any special meeting of the stockholders called for said purpose, to issue their bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of

the said company, and shall bear hypothec upon the said railway without registration ; provided, however, that no such bonds bearing such hypothec shall be issued until after the said sum of fifty thousand dollars, as provided by this act, shall have been expended in and upon the said railway ; and provided also, that the whole amount raised upon such bonds shall not exceed five hundred thousand dollars.

Proviso.

Power to detain goods.

To dispose of perishable goods.

As to agreements with other companies.

Arrangements to connect with other companies.

14. In case of refusal or neglect to pay the toll or freight due to the said company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owners, and if such goods be of a perishable nature, the said company shall have the right to sell the same forthwith, on the certificate of two competent persons establishing the fact of their being so perishable ; and if such goods are not of a perishable nature, and shall remain unclaimed for twelve months, the company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the said freight and the costs of sale, shall be handed over to the owner, if he shall claim the same.

15. It shall be lawful for the said company to enter into any agreement with any other railway company, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, to such other company, or for leasing or hiring, from such other company, any railway or any part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railroad or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof.

16. The directors of the said company elected by the shareholders, in accordance with the provisions of this act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered railway company, and shall have full power and authority to negotiate with any company having the chartered right of constructing a bridge across the St. Lawrence river, at or near the city of Montreal, for the right

of using the said bridge for the purposes of the railway, and the advantage and benefit of the company hereby incorporated.

17. It shall and may be lawful for the said company to take and appropriate, for the use of the said railway, but not to alienate, any wild lands of the Crown along the line of the said railway which may be necessary for the said railway, with the consent of the lieutenant governor in council, and also so much of the land covered with the waters of any river, stream, lake or canal, as may be necessary for the works of the said railway; provided that if the said railway shall cross any navigable river or canal, it shall not be lawful for the said company to obstruct the navigation of such river or the use of such canal.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., of do hereby, in consideration of paid to me by the Waterloo and Magog Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Waterloo and Magog Railway Company, their successors and assigns, all that tract, or parcel of land, (describe the land,) the same having been selected and laid out by the said company for the purposes of their railway, to have and to hold the said land and premises unto the said company, their successors and assigns forever.

Witness my hand and seal, this day
of , one thousand eight hundred and
seventy

Signed, sealed and delivered
in presence of

A. B.

(L. S.)

CAP. XXIX.

An Act to incorporate the Montreal, Chambly and Sorel Railway Company.

[Assented to 23rd December, 1871.]

WHEREAS the persons hereinafter named and others, have petitioned for incorporation as a company, to

construct the railway hereinafter described, and the construction of such railway would be of great benefit to the commerce and for the general advantage of the Province of Quebec, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation
and corporate
name.

1. Ashley Hibbard, Louis Adelard Senécal, M. P. Samuel T. Willett, Michel Mathieu, Charles Gill, M.P.P., David Russ Wood, and Félix Geoffrion, M.P., esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the: "Montreal, Chambly and Sorel Railway Company."

Line of the
railway.

2. The said company and their agents and servants, may lay out, construct and finish a double or single track of iron or steel railway, of such width and gauge as the company may see fit, from the town of Sorel, in the district of Richelieu, by the way of Chambly to the city of Montreal, or some point or points opposite or nearly opposite thereto, and from Chambly to the province line at or within half-a-mile of the village of Philipsburg, in the county of Missisquoi, passing through the town of St. Johns, or to join any other road in the same direction, and with the right of constructing such railway on either or partly on both sides of the river Richelieu, as the company may see fit, and building a bridge across the same.

Capital stock
and shares,
and how to be
applied.

3. The capital stock of the said company shall not exceed two million dollars, divided into twenty thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passage of this act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this act.

Board of di-
rectors consti-
tuted; their
powers.

4. The said Ashley Hibbard, Louis Adelard Senécal, M. P., Samuel T. Willett, Michel Mathieu, Charles Gill, M.P.P., David Russ Wood and Félix Geoffrion, M.P., esquires, shall be and are hereby constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this act by the shareholders, with power to open stock

books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other directors as hereinafter provided, and generally to do all such other acts as such board under the railway act may lawfully do.

5. In the event of the resignation or death of one or more of the provisional directors, such director or directors shall be replaced by the other provisional directors, or a majority of them, and the director or directors so appointed shall be held to be provisional directors, as if his or their names had been inserted in the first and fourth sections of this act.

6. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company, and all parties subscribing to the capital stock of the said company shall be considered proprietors and partners in the same.

7. When and so soon as one-tenth part of the said capital stock (which capital stock shall not be less than five hundred thousand dollars) shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of shareholders at such time and place as they may think proper, giving at least two weeks' notice in one or more newspapers published in the town of Sorel and in the city of Montreal, at which meeting, and at the annual general meeting, in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect five directors in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the second Wednesday in the month of January, in the year following their election, and the said directors may employ any of their number as paid officers of the company.

8. On the said second Wednesday in January, and on the second Wednesday in each year thereafter, at the principal office of the said company, there shall be holden a general meeting of the shareholders of the said company, at which meeting the said shareholders shall elect a like number of directors for the ensuing year, in manner and qualified as hereinafter provided, and public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in the city of Montreal and the town of Sorel, and the elections shall be by ballot.

Quorum of
directors and
qualifications.

9. Four directors shall form a quorum for the transaction of business, provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls on the said stock.

One vote for
each share.

10. In the election of directors under this act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on
shares.

11. The directors may, at any time, call upon the shareholders, for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, no such instalments shall exceed ten per cent, and one month's notice thereof shall be given in such manner as the directors may appoint.

Forms of deeds
of lands to the
company and
registration
thereof.

12. All deeds and conveyances of lands to the said company for the purposes of this act, in so far as circumstances will admit, may be in the form given in schedule A, to this act subjoined, or in any other form to the like effect, and for the purpose of due enregistration of the same, all the registrars in their respective counties are required to be furnished by, and at the expense of the said company, with a book with copies of the forms given in the said schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, in the said book, and shall minute the enregistration or entry on the deed, and the registrar shall charge and receive, from the said company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Bonds for rais-
ing money
by loan, bear-
ing hypothee.

13. The directors of the said company shall have the power to issue their bonds or debentures, signed by the president and vice-president of the said company, and countersigned by the secretary and treasurer, or the secretary-treasurer, as the case may be, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property and rolling stock of the said company, and shall bear hypothec upon the said railway, lands, buildings, bridges, or any, either, or all of them, as may be expressed by the said bonds or debentures; and the said

bonds or debentures shall form a first charge on the tolls and income of the company, or any portion of them, or on all, as may be expressed by the said bonds or debentures; provided that the amount of such bonds or debentures shall not exceed seventeen thousand dollars per mile, to be issued in proportion to the length of railway (bridges included) under contract, or to be constructed under and by virtue of this act, but no such bond or debentures shall be for a less sum than one hundred dollars.

14. It shall be lawful for the said company to enter into an agreement with the Grand Trunk Railway Company of Canada, and with the Richelieu, Drummond and Arthabaska Counties' Railway Company, or with any other railway company, in the province of Quebec, for leasing the railway, or any part thereof, or the use thereof, at any time or times, to such other company, or for leasing or hiring to or from the said Grand Trunk Railway Company of Canada, or such other company, any railway or part thereof, or the use thereof, or for leasing to or hiring from such company or companies, any bridge, locomotives or movable property, or the use thereof, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; or such other railway company may agree to loan its credit to, and become the owner of the whole or a part of the stock of the railway company hereby incorporated, in like manner and with like rights as individuals; provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general meeting of the shareholders, called for the purpose of considering the same respectively, on due notice given, as provided by the Railway Act of 1869.

15. The said company shall commence their works and complete the grading of ten miles of the said railway between St. John's and Sorel within one year from the passing of this act, and shall prosecute their said works, so that the said railway shall be completed and put in running order between St. John's, Chambly, Sorel, Montreal and Philipsburg, or within half-a-mile of the said village, within four years from the date of the passing of this act—the whole under pain of loss and deprivation of all the rights conferred upon them by this act.

Agreement
with other
companies.

Certain provi-
sions of the
municipal code
to apply to cer-
tain towns.

Works to be commenced within one year and certain portion of railway to be in operation within four years.

16. The provisions of the municipal code of the province of Quebec, relative to the subscription, aid or bonus to be granted by municipalities to railway companies shall apply and be extended for the purposes of this act, to the towns of St. John's, Sorel, St. Ours and Iberville,—the first article of the said code to the contrary notwithstanding.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., of
do hereby, in consideration of paid to
me by the Montreal, Chambly and Sorel Railway Com-
pany, the receipt whereof is hereby acknowledged, grant,
bargain, sell and convey unto the said Montreal, Chambly
and Sorel Railway Company, their successors and assigns,
all that tract or parcel of land (*describe the land*) the same
having been selected and laid out by the said company for
the purposes of their railway, to have and to hold the said
land and premises unto the said company, their successors
and assigns for ever.

Witness my hand and seal, this day of
one thousand eight hundred and

Signed, sealed and delivered }
in presence of A. B. (L.S.)

C A P. X X X.

An Act further to amend the Charter of the Richelieu,
Drummond and Arthabaska Counties' Railway Com-
pany.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the Richelieu, Drummond and Arthabaska
Counties' Railway Company have, under the provi-
sions of their charter for the convenience of the general
public, constructed a bridge over the river Yamaska,
adapted to the passage of horses, vehicles and foot passen-
gers, and are now constructing a similar bridge across the
river St. Francis, at Drummondville; and whereas the
construction of such bridges entails a heavy extra outlay
on the part of the company, and it is only right and just
that the said company should have the exclusive right
usually accorded to the proprietors of such bridges, of

crossing and ferrying the public over the said rivers, within a certain distance above and below the said bridges, as prayed for by the said company; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. So soon as the Richelieu, Drummond and Arthabaska Counties' Railway Company shall have constructed bridges across the rivers Yamaska and St. Francis, at the villages of Yamaska and Drummondville respectively, adapted to the passage of horses, vehicles and foot passengers, and as long as the same shall be passable and open for the use of the public, no person or company other than the Richelieu, Drummond and Arthabaska Counties' Railway Company, shall erect or cause to be erected any bridge or bridges, nor use, by way of ferry, any boat or vessel of any kind for the carrying of any person, cattle or vehicle whatsoever, for hire or otherwise, across either of the said rivers, within the distance of two miles above and two miles below either of the said bridges so constructed, or to be constructed by the said company; and if any person shall erect a bridge or bridges of any kind, or establish a ferry of any kind, or ferry over or upon either of the said rivers within the said limits, he shall pay to the said company triple the amount of tolls which the said company may have the right to impose under the provisions of their charter on all persons availing themselves of the said respective bridges of the said company, for each and every person, horse, cattle or other animal and vehicle which shall pass over any such bridge or ferry so erected, or established in contravention of this act.

When company shall have completed certain bridges, &c., they shall have exclusive right of conveyance across the rivers Yamaska and St. Francis within certain limits.

Liability of persons infringing said right.

2. If the municipalities of the parish of Yamaska and the village of St. Michel de Yamaska require it, the said company shall be bound to pay them each year an amount equal to that which they have until now received annually for the ferries actually existing within their respective limits.

Certain municipalities may demand certain amounts from the company.

C A P . X X X I .

An Act to incorporate the Philipsburg, Farnham and Yamaska Railway Company.

[Assented to 23rd December, 1871.]

WHEREAS Jonathan W. Eaton, Thomas R. Roberts, Malcolm R. Meigs, M.D., Robert McCorkill, P. L. G. Auger, Antoine Casavant, A. Beauchamp, J. B. Bourgeois,

Preamble.

E. Lafontaine, Nathaniel C. Fisk, F. X. Cadieux, Gaspard A. Massüe, Norbert Fagnant and Louis Marin, père, esquires, and others, have petitioned for incorporation as a company to construct the railway hereinafter described, and the construction of such railway would be of great benefit to the commerce and for the advantage of the several districts through which the said railway would pass, and would be of great utility, and would afford railway communication to a large section of country now without the same, and afford increased facilities for colonization; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. Jonathan W. Eaton, Malcolm R. Meigs, M. D., Robert McCorkill, Nathaniel C. Fisk, Antoine Casavant, J. B. Bourgeois, advocate, E. Lafontaine, P. L. G. Auger, F. X. Cadieux, Gaspard A. Massüe, Norbert Fagnant, P. S. Gendron, M.P.P., Antoine Cabana, Euclide Roy, Louis Cusson, André Bélanger, George Casimir Dessaulles, William Willard Smith, Josiah Sandford Brigham and Thomas Russel Roberts, esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Philipsburg, Farnham and Yamaska Railway Company."

Power to construct railway over a certain line,

and branch roads.

2. The said company and their servants shall have full power and authority to lay out, construct, make and finish a double or single track iron or steel railway, of such width or gauge as the company sees fit, from the waters of Missisquoi Bay at some point in the parish of St. Armand west or village of Philipsburg, in the county of Missisquoi, with the right of extending the same to the province line in said parish, and running by way of Bedford and Farnham, in said county, in a northerly direction, on the east side of Yamaska river, and passing through the counties of Rouville, St. Hyacinthe, Bagot, Drummond, Richelieu, Yamaska and Nicolet, as far as the river St. Lawrence opposite Three Rivers, and shall also have power to construct the said railway in the town of St. Hyacinthe or in its neighborhood to the west of the said river Yamaska, if they think proper.

Capital of the company.

3. The capital stock of the said company shall be the sum of one million dollars, (with power to increase the same as provided by the Quebec Railway Act, 1869), to be divided into twenty thousand shares of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such stock, and the

money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements. for procuring the passing of this act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said railway and other purposes of this act; provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town, township or parish interested in the railway, or otherwise, to pay out of the general funds of such municipality, such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

4. Jonathan W. Eaton, Malcolm R. Meigs, M.D., Robert McCorkill, P. L. G. Auger, Antoine Casavant, J. B. Bourgeois, advocate, E. Lafontaine, Nathaniel C. Fisk, F. X. Cadieux, Gaspard A. Massue, Norbert Fagnant, P. S. Gendron, M.P.P., Antoine Cabana, Euclide Roy, Louis Cusson, André Bélanger, George Casimir Dessaulles, William Willard Smith, Josiah Sandford Brigham and Thomas Russel Roberts, esquires, are hereby constituted and appointed the first board of directors of the company, and any nine of them shall form a quorum for the transaction of business.

5. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of persons desirous of becoming shareholders in the said company, and all persons subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

6. All manufacturing or other corporations carrying on their operations, in whole or in part, within the counties traversed, or to be traversed by the said line of railway, whether incorporated by special act or under any general act, may subscribe for or otherwise acquire and may hold any number of shares of the capital stock of the said company, and may dispose of the same at pleasure.

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed as aforesaid, and so soon as one-tenth part of the subscribed stock shall be paid up, it shall and may be lawful for the said directors or any nine of them, to call a meeting of the shareholders at such place in the city of St. Hyacinthe, and at such time as they may think proper, giving at least fifteen days' notice in both lan-

guages in one or more newspapers published in each of the judicial districts through which said railway passes, at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect nine directors in the manner and qualified as hereafter provided, which said nine directors shall constitute a board of directors, and shall hold office until the first Monday of March in the year following their election.

Meetings for
election of
subsequent
directors.

8. On the said first Monday of March, and on the first Monday of March in each year thereafter, shall be holden a general meeting of the shareholders of the said company, at the principal office of the said company, at which meeting, the shareholders shall elect nine directors for the then ensuing year, in the manner and qualified as hereinafter provided. And public notice of such annual general meeting shall be published in both languages fifteen days before the day of election, in one or more newspapers published in each judicial district, upon the line of the said railway, and the elections of directors shall be by ballot, and the persons so elected shall form the board of directors.

Quorum of
directors.

9. Five directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided however, that no such person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls on the said stock.

Form of
conveyances.

Registration
thereof.

Charges for
registration.

10. All deeds and conveyances of lands to the said company, for the purposes of this act, in so far as circumstances will admit, may be in the form given in schedule A to this act subjoined, or in any other form to the like effect, and for the purposes of due enregistration of the same, all registrars in their respective counties, shall be furnished, by and at the expense of the said company, with a book, with copies of the forms given in the said schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances upon each separate conveyance, and shall, upon the production and proof of the due execution of any such conveyance, enter the same in the said book without any memorial, and shall minute the enregistration or entry on the deed, and the registrar shall charge and receive from the said company, for all fees on every such registration, fifty cents and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

11. The directors of the said company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said company, present at any annual meeting in the month of March, for the purpose of electing directors, or at any special meeting called for the purpose, having had fifteen days' notice in both languages in one or more newspapers in each judicial district upon the line of the road, to issue their bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said company, and shall bear hypothec upon the said railway without registration; provided, however, that no such bonds, bearing such hypothec, shall be issued until after twenty-five per cent of the whole capital stock of the said company, as provided by this act, shall have been expended in and upon the said railway, and provided also that the amount raised upon such bonds shall not exceed three hundred and fifty thousand dollars, unless and until the capital stock shall be increased, and thereafter the amount of said bonds so to be issued, shall not exceed the proportion of sixteen thousand dollars for each mile in length of said road.

Power to issue debentures.

Hypothec without registration. Proviso.

Proviso.

12. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange, drawn, accepted or endorsed, by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary or treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted.

Power to issue promissory notes.

Without individual responsibility.

13. The directors or a majority of them may supply the place or places of any of their number, from time to time, dying or declining to act as such directors, from among the several persons being subscribers for, or owning and holding shares in the said company, sufficient to qualify him or

Vacancies among directors.

them to act as directors as aforesaid, said director or directors so appointed to hold office till the next annual meeting, in the month of March following.

As to agree-
ments with
other com-
panies.

14. It shall be lawful for the said company to enter into any agreement with any other railway company, for leasing the said railway or any part thereof or the use thereof, at any time or times, or for any period, to such other company, or for leasing from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies of the railway, or movable property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreements shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

15. The said railway shall be commenced *bonâ fide* within two years and completed within six years from the date of the passing of this act.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men, by these presents, that I., A. B., of
do hereby and in consideration of
paid to me by the Philipsburg, Farnham and Yamaska
Railway Company, the receipt whereof is hereby acknow-
ledged, grant, bargain, sell and convey unto the said Phi-
lipsburg, Farnham and Yamaska Railway Company, their
successors and assigns, all that tract or parcel of land (*de-
scribe the land*), the same having been selected and laid out
by the said company for the purpose of their railway; to
have and to hold the said land and premises, unto the said
company, their successors and assigns for ever.

Given under my hand and seal, this day of
one thousand eight hundred and

Signed, sealed and delivered
in presence of

A. B. (L. S.)

CAP. XXXII.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

[Assented to 23rd December, 1871.]

WHEREAS the corporation of the city of Montreal have, ^{Preamble.}
by their petition, represented that it has become necessary, in the interest of the citizens of the said city, to make certain alterations to its Acts of incorporation; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The act thirty-fourth Victoria, chapter thirty-seven, is ^{34 V. c. 37,}
amended so as to give to the corporation of the said city ^{amended.}
of Montreal, the power to aid Railways by the granting ^{Power to grant}
of a bonus, if it prefer such method to a loan or a subscrip- ^{bonus in aid of}
tion to the capital stock. ^{railways.}

2. When a by-law shall have been adopted by the council ^{Holding of}
of the said city, by a majority in a meeting composed of at ^{polls and}
least fifteen members of the said council, to aid any rail- ^{voting for or}
way company, the council of the said city shall fix and de- ^{against a by-}
termine, by resolution, to be also adopted in the same man- ^{law in aid of}
ner as aforesaid, that there shall be twenty-one polling ^{any railway}
places established and opened in the building known as the ^{company.}
Bonsecours Market, of the said city, namely: A polling place
for each of the wards, East, Centre and West, and three
polling places for each of the other wards of the said city of
Montreal to receive the votes, by "Yea" and by "Nay" of
the electors of each of the said wards respectively, during
ten juridical days to be specified in the said resolution, from
the hour of nine o'clock in the morning until five
o'clock in the afternoon each day; the city clerk shall
be *ex-officio* returning officer; and the mayor of the ^{Returning}
said city or pro-mayor, in the event of the absence of ^{officer.}
the mayor, or of his incapacity to act, shall appoint
one deputy returning officer, and in case such returning
officer or the deputy returning officer, so appointed, should
become incapable of performing his duties, from sickness
or any other valid cause, the mayor, or pro-mayor, as the
case may be, is hereby authorized to appoint another person
in his place; and such person shall have the same powers
as the said returning or deputy returning officer; the mayor
or the pro-mayor of the said city, as the case may be, shall
appoint for each poll a clerk, and shall require him to make ^{Poll clerk.}
oath to act faithfully and impartially, and it shall be
the duty of such clerk to enter in a book specially pre-

Qualification of voters.	<p>pared for that purpose, the names of the voters and their vote by "Yea" and "Nay"; and no person shall be qualified to vote on such by-law whose name shall not be inscribed as a qualified voter on the revised municipal lists in force at the time of taking such vote, and who shall not be qualified to vote for the election of a member of the said council; provided that such person shall, if required by any qualified elector, or by the returning officer, or by the deputy returning officer himself, take the following oath or affirmation which such returning officer, deputy returning officer, or clerk is hereby empowered to administer:</p>
Oath may be administered.	<p>"You swear (or solemnly affirm) that you are (name, occupation, and residence of voter, as entered on the list,) whose name is entered on the list of voters, now shewn to you (showing the list to the voter) that you are of the full age of twenty-one years; and that you have not before voted on this by-law, either at this or any other polling place: so help you God."</p>
Oath.	<p>3. After the close of each day's polling, the said poll clerks shall count and add up, in the said poll books, the total number of votes which they shall have respectively recorded during each such day, and shall draw up a certificate thereof, which they shall register in the said registers or poll books, of which certificate a duplicate shall be delivered each day to the returning officer, and they shall deliver the said poll books, after each day's polling to the returning officer, who shall be bound to keep the same safely, and within twenty-four hours from the final closing of the poll, the poll clerks shall count and add up in the poll books the total number of votes taken by them respectively, and shall deliver the said poll books to the returning officer, who shall thereupon ascertain the state of the general poll, by counting and adding up from each poll book the total number of votes taken and recorded in the different polling places, and the returning officer shall forthwith draw up a certificate of the total number of votes so taken and recorded, setting forth the approval or disapproval of the electors, which certificate shall be, by him, transmitted to the mayor of the said city who shall sign and have the same countersigned by the clerk, and under the seal of the said city, and the said clerk shall record the said certificate in the registers or minutes of the said corporation, and deposit the said poll books in the archives of the said corporation, and from and after such time, in the event of the majority of the said voters having approved the said by-law, as established by the certificate of the said returning officer, the said by-law shall have force and effect, and shall be held to have been fully and legally approved and confirmed.</p>
How daily and final number of votes shall be ascertained.	
Certificate of the final result of the voting.	
By-law held to be approved if a majority voted for it.	

4. Any law, now in force for the proper management of ^{Present elec-} municipal elections in the said city, and the maintenance of ^{tion regula-} order during such elections, and which are not contrary to ^{tions to apply.} the provisions of this act, shall apply to the elections to be held under this act.

5. It shall be optional with the said council of the said ^{Power to aid} city, to aid railway companies in establishing a railway ^{railways by} line or right of way, through the said city, to con- ^{establishing a} nect together the eastern and western extremities of the ^{line connecting} said city, and of the harbour of the said city, and a station ^{the east and} or central terminus, within the limits of the said city, and, ^{west ends of} for such purpose, to acquire, by the ordinary process of ^{the city, to} expropriation, or by amicable settlement, the land re- ^{acquire land,} quired to establish the route of said railway line, and such ^{&c., to regulate} station or central terminus; and power and authority are ^{the passage} hereby granted to the said council to fix and determine ^{over the line} the time and manner the locomotives and trains of the said ^{and to exact} companies shall pass on the said line, within the limits of ^{tolls, &c.} the said city; and to regulate the kind of engines to be used by the said companies on the said line, and to establish the conditions upon which the said companies may use the said line and station; and also to exact from such companies the payment of such duties, rates and tolls, as may be established by the said council, to defray the cost of the establishment of such railway line or right of way, and of such station or central terminus.

6. The twentieth section of the act passed in the thirty- ^{Sec. 20 of 32} second year of the reign of Her Majesty, chapter seventy, is ^{V., c. 70,} hereby amended and modified in so far as it relates to the ^{amended by} plan and the extent of the "Mount Royal Park," and to the ^{the substitution} lithographed copy, made by John Johnston, in November, ^{of a different place.} one thousand eight hundred and sixty-seven, of the plan made and executed by P. Macquisten, esquire, city surveyor, the said lithographed copy lying in the office of the clerk of the legislative council of this province; and for such plan and lithographed copy mentioned in the said section, there shall be substituted the plan, made by the said P. Macquisten, esquire, city surveyor, dated the sixteenth day of November, one thousand eight hundred and seventy-one, signed by the mayor, countersigned by the city clerk and with the seal of the said city thereunto affixed, and filed the twelfth day of December, one thousand eight hundred and seventy-one, in the office of the said clerk of the legislative council; and the said council ^{Powers of} of the said city is hereby authorized to carry out the last ^{expropriation} mentioned plan, in place of the former, and to acquire, ^{for purposes} under the ordinary process of expropriation, or by amicable ^{of the Park.} settlement, the right of way and the streets and avenues,

leading to the said "Mount Royal Park," and to assess and cause to be apportioned by the ordinary way in matters of expropriation, the cost of acquiring such streets and avenues, in whole or in part, upon the proprietors benefited, and upon the Park itself, in proportion to the advantage or benefit which it shall derive therefrom in the opinion of the commissioners, and to include within the limits of the said city certain real estate considered indispensable for the establishment of the aforesaid park, streets and avenues; and the eleventh section of the twenty-ninth and thirtieth Victoria, chapter fifty-six, and the ninth section of the thirty-first Victoria, chapter thirty-seven, shall not apply to the improvements contemplated in the present section; provided also that the council of the said city shall have full authority to sell by public auction only, a portion of the land acquired for the purposes of the said park, not to exceed however, two hundred and fifty acres of the grounds which shall have been acquired, as aforesaid; provided always that the council may leave in the hands of the proprietors such pieces or parcels of land included in the park as it may deem inexpedient to acquire by reason of the expensive improvements thereon, or the particular way in which the lots may be subdivided, the said council is also hereby authorized, in case the sum which it is empowered to levy, viz: three hundred and fifty thousand dollars, for the purposes of the said park, by the twentieth section of the act thirty-second Victoria, chapter seventy, shall be insufficient for the acquisition of the land required for the said park, to issue bonds, debentures, or shares of the city of Montreal consolidated fund, or to grant mortgages on the said land, for any sum exceeding that already authorized to be issued as aforesaid; and all the provisions contained in the said twentieth section, of the said act, thirty-second Victoria, chapter seventy, for the issue of bonds, or debentures, the payment of interest and the mortgaged claim given to the amount of the loan, shall apply to the loan authorized in the present section.

Sec. 11 of 29,
30 V. c. 57
and sec. 9 of
31 V. c. 37 not
to apply to
improvements
under present
section.

Power to sell
part of the land
to be acquired.

Sec. 20 of 32
V. c. 70.

Power to raise
money in
addition to
sum already
authorized.

§12 of sec. 13
of 27, 28 V. c.
60 amended.

Recourse of
party exprop-
riated in the
event of error
on the part of
the commis-
sioners as to
the amount of
indemnity and
proceedings.

7. Sub-section twelve of clause thirteen of the act twenty-seventh and twenty-eighth Victoria, chapter sixty, is amended by adding at the end of the said clause the following words, to wit: "for the purposes of the expropriation"; but in case of error upon the amount of the indemnity only on the part of the commissioners, the party expropriated, his heirs, and assigns, and the said corporation may proceed by direct action in the ordinary manner to obtain the augmentation or reduction of the indemnity, as the case may be; and the party expropriated shall institute such action within fifteen days after the

homologation of the report of the said commissioners, and if, upon such action the plaintiffs succeed, the corporation shall deposit in court the amount of the condemnation, to be paid to the party or parties entitled thereto] and the said corporation may, within three weeks after the publication of the said report, abandon the proceedings in expropriation, and, in such case, it shall be held to indemnify the party expropriated for the damages by him sustained up to that moment, or they may, within the said delay of three weeks, prosecute their action for reduction of indemnity, as aforesaid; and, if, in the public interest, the corporation deem it advisable to have the report homologated, in order to deposit the amount of the indemnity, and take possession of the immovable expropriated, while protesting, however, against the amount of the said indemnity as excessive, the party expropriated or his creditors shall not touch the amount of the said indemnity, except on furnishing good and sufficient security for the amount, over and above the sum which the said corporation shall have declared, by a writing filed in the prothonotary's office of the superior court, of the district of Montreal, and signed by the attorneys of the said corporation, or by the clerk of the said city, to be the just and proper indemnity which they consider they ought to pay."

pending such
recourse.

8. The trustees of the Mount-Royal cemetery, are hereby authorized to cede to the said corporation of the city of Montreal, or to exchange with them, such portion of the said cemetery as may be required for the said park, or for the streets or avenues leading thereto; and the said corporation is also authorized to cede to the said trustees or to exchange with them, such portion of the said park, as it may be deemed expedient to cede or to exchange in the interest of the said project.

Mount-Royal
cemetery land
required for
purposes of a
park may be
exchanged for
other land or
ceded.

9. All the area of land tinted *green*, specified on the said last mentioned plan, and required for the purposes of the said park, and the real estate colored in a *light neutral tint* on the said plan, shall form part of the said city of Montreal, and be deemed to be within the limits of the said city, for all municipal purposes; provided however, that the pieces of land which the said corporation may cede or exchange with the said trustees of the Mount-Royal cemetery, in virtue of the present act, shall, by the sole fact of such cession or exchange, be deemed to be outside the limits of the said city.

Certain land
added to limits
of city of
Montreal.

Proviso.

10. The council of the said city is hereby authorized to pass a by-law to compel all proprietors, tenants or persons owning or using steam engines, steam boilers, factories, chemical works, or other workshops or establishments,

Power to com-
pel factories,
&c., to con-
sume their
smoke.

Fine and
imprisonment.

within the limits of the said city, to provide the said establishments with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments; and to impose by such by-law a fine of one hundred dollars for the first offence, and in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of said delay, and a further fine of fifty dollars per day for each and every day the said offender shall continue to carry on such establishment, in violation of such by-law.

Power to grant
or refuse per-
mission to have
lumber yards,
saw mills, &c.,
within the city
and to fix
places where
they may be
located.

Penalty.

Power to pre-
vent or remove
unhealthy
establish-
ments.

Penalty.

11. It shall be lawful for the council of the said city, to compel, by by-law, passed by the two-thirds of the members of the said council all persons who intend to erect, use or employ, or who occupied or used before the passing of the present act, or who now occupy or use, within the limits of the said city, any yard or vacant lot for the storage of lumber, timber, firewood, laths or shingles, or to erect and use, or who occupied or used before the passing of this act, or who now occupy or use, any saw and planing mill, carpenter or joiner's shop, or other building or establishment wherein wood or other like combustible materials are kept and used, to obtain the previous sanction of the council of the said city, with power to the said council to grant or refuse such permission, as may be deemed advisable; and the said council shall have full power and authority to fix and determine the places within the limits of the city, where such wood-yards, mills, work-shops or other buildings, or establishments, wherein wood or other like combustible materials are kept, may be located and used, and to make such rules and regulations in reference thereto, as to the said council may seem necessary or expedient; and the penalty for any violation of the said by-law shall be the same as that imposed by the preceding section of the present act, provided always that nothing in the present clause shall have the effect to deprive any interested party of any right or interest which he may have at common law.

12. It shall be lawful for the council of the said city of Montreal to make such by-laws as may be deemed necessary, to prohibit the erection, use or working, within the limits of the said city, of unhealthy, unwholesome, dangerous and obnoxious factories or establishments, and more especially, soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on; and to prevent the working henceforth of such establishments at present existing, in the said city; and the penalty for

any violation of the said by-laws shall be the same as that imposed by the tenth section of this act, but before compelling any person to abandon and relinquish his ownership or the practice or working of any establishments of the said nature, the council of the said city shall be held to give a notice to be signed by the clerk of the said city to any person either personally, or to a reasonable person of his establishment, one year before thus being compelled to abandon such use or working thereof, and in the case where, after such notice has been given, the said factories and establishments are disposed of by sale or otherwise in favour of other parties, such disposal of the property shall not have the effect to invalidate such notice, which shall remain in its full force against any subsequent purchaser or holder.

13. When the council of the said city shall, by a resolution adopted by a vote of two-thirds of its members, determine to carry out an improvement and to contribute, from the city funds, one-third of the costs thereof, the right conferred, in and by the eleventh section of the twenty-ninth and thirtieth Victoria, chapter fifty-six, and the ninth section of the thirty-first Victoria, chapter thirty-seven upon the proprietors interested, shall be suspended, in so far as it relates to such improvement; provided, however, the said council, before adopting any such resolution, shall have previously given ten days' notice to that effect, in at least one English and one French newspaper published in the said city.

When an improvement has been resolved upon by a two-thirds vote, the right of proprietors under s.c. 11 of 29, 30 V. c. 56 and sec. 9 of 31 V. c. 37 shall be suspended. Provide as to notice.

14. The commissioners, in carrying out the duties conferred upon them by the ninth section of the thirty-first Victoria, chapter thirty-seven, shall not be obliged to publish, in the notice required to be given in the newspapers, the names of the parties interested in any improvement; but it shall be sufficient to publish the limits or boundaries in which the real estate liable to assessment is included.

What notice shall be sufficient under sec. 9 of 31 V. c. 37.

15. The obligation imposed upon surveyors or other employees charged with the execution of the "*general plan of the city of Montreal*," by the second section of the twenty-seventh and twenty-eighth Victoria, chapter sixty, to place solid and durable boundary stones at each angle or corner of the new streets and public squares and places by them laid out and established, and to shew the said boundary stones upon the said plan, is hereby removed, and the said ninth section of the last mentioned act is repealed.

Sec. 2 of 27, 28 V. c. 60 amended, and sec. 9 of said act repealed.

16. It shall be lawful for the corporation of the said city, and the said corporation shall have full power and authority to increase, extend and prolong its aqueduct beyond the limits of the said city, and to establish and construct

Power to extend aqueduct

reservoirs beyond the said limits, and to acquire for that purpose, by amicable settlement or means of expropriation, as prescribed by the twenty-seventh and twenty-eighth Victoria, chapter sixty, all the land, pieces of ground and real estate, which may be required to make and construct the said works, any law to the contrary notwithstanding; and the recourse provided by the seventh clause of this act may be exercised by the corporation or by the party expropriated, in case the one or the other claims to be damaged by the amount of indemnity.

Power to borrow \$250,000 in addition to loan authorized by sec. 24 of 32 V. c. 70.

17. It shall be lawful for the corporation of the said city to borrow, over and above the sum already authorized by the twenty-fourth section of the thirty-second Victoria, chapter seventy, to be borrowed for improvements to the water-works, a further sum of two hundred and fifty thousand dollars for the same purpose; and all the provisions contained in the said twenty-fourth section, for the issuing of bonds or debentures, the payment of interest and security by special mortgage, as regards the principal and interest, shall apply to the loan authorized by the present section.

Power to borrow \$50,000 to make good contribution in aid of Chicago.

18. The corporation of the said city, is hereby authorized, to borrow a sum not to exceed fifty thousand dollars for a like sum which the council of the said city has, by resolution adopted at a regular meeting of the said council, held on the seventeenth day of the month of October last, contributed to aid the city of Chicago, in the State of Illinois, one of the United States of North America, after the conflagration which devastated that city; and for that purpose, the said corporation may issue shares of the City of Montreal consolidated fund, or bonds or debentures, under the signature of the mayor of the said city; and the seal of the said corporation, to the amount of the said sum of fifty thousand dollars, and the said bonds or debentures shall be payable twenty-five years from the date of their issue, with interest at a rate not to exceed seven per cent per annum, the said interest payable on the first day of May, and the first day of November, in each year; and the said bonds or debentures may be issued, from time to time, to such amounts as may be deemed necessary, and shall be guaranteed, in principal and interest, by special mortgage, on the general funds of the said corporation.

Sec. 25 of 32 V. c. 70. to apply to loans under this act.

19. The twenty-fifth section of the act thirty-second Victoria, chapter seventy, shall apply *mutatis-mutandis* to the loans which the corporation of the said city, is authorized to make by sections six, seventeen and eighteen, of the present act.

20. In addition to the compulsory means at the disposal of the corporation of the said city, to recover the taxes, assessments or other city dues, the *saisie-arrest* in the hands of third parties is hereby granted to the said corporation, and so soon as such taxes, assessments or other city dues shall become payable, the said corporation may proceed by a writ of *saisie-arrest* to be issued from the circuit or superior court, according to the amount of such taxes, assessments or dues, under the ordinary process of law.

Right to obtain seizure by garnishment for taxes due.

21. The treasurer of the said city is hereby authorized to make, in any court of justice, in cases of *saisie-arrest* in the hands of the said corporation, all declarations which the said corporation was heretofore held to make through an attorney specially authorized to that effect, and article 617 of the code of civil procedure of Lower Canada, is amended to that effect.

617 C. C. P. amended.

22. Whereas the treasurer of the said city publishes each year a precise and detailed statement of the business transacted during the year, for the information of the citizens, the special publication in the newspapers of a statement of the affairs of the water-works, required by the twenty-third section of the seventh Victoria, chapter forty-four, has become obsolete and of no avail, and the said section is modified so that it shall be no longer necessary to make such special announcement, and it shall not be necessary in future to keep separate books of entry and accounts for the said water-works, other than those kept for the ordinary transactions of the said city.

Sec. 23 of 7 V. c. 41 amended.

Statement of affairs of water-works need no longer be published in newspapers.

23. It shall be lawful for the council of the said city to make by-laws for the issuing of bonds or of stock or shares of the "City of Montreal Consolidated Fund" to an amount not to exceed fifty thousand dollars in any one year, for any public improvement, or any object other than the ordinary improvements and requirements already authorized and provided for, in the acts of incorporation of the said city and its amendments, and over and above the ordinary yearly expenditure of the corporation of the said city; provided that all such by-laws shall, before the final passing thereof, receive the sanction and approval of the municipal electors of the said city, in the manner prescribed in the second, third and fourth sections of the present act concerning grants to railways.

Power to make by-laws for the issuing of bonds not exceeding in one year \$50,000 for any improvement not already provided for.

Proviso, by-laws to be approved by electors.

24. All sections of any law incompatible with the provisions of the present act, shall be, and the same are hereby repealed, but in so far only as they are inconsistent with the said provisions, and the present section shall not have the effect of reviving any act or part of an act repealed by such law.

Repeal of inconsistent enactments.

CAP. XXXIII.

An Act to amend the provisions of the act thirty-third Victoria, chapter forty-six, and the thirty-first Victoria, chapter thirty-three, relating to the incorporation of the City of Quebec.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the corporation of the city of Quebec has, by its petition, prayed to obtain certain amendments to the act thirty-third Victoria, chapter forty-six, relating to the incorporation of the city of Quebec; and whereas it is expedient to legislate in the premises; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sec. 33 of 33
V. c. 4
repealed and
replaced by
another.

1. The thirty-third section of the act thirty-third Victoria, chapter forty-six is repealed, and the following substituted thereto:

"The shares or stock comprised in the two classes, to wit, 'the Quebec water works stock,' and 'the Quebec public property stock,' shall be permanent, in perpetuity and irredeemable; and upon shares, stock and debentures of the three classes above mentioned, forming 'the Quebec consolidated fund,' there shall be paid by the treasurer of the said city to each of the subscribers to the said consolidated fund, at the office of the said treasurer, at the city-hall, in the said city, interest at the rate of not exceeding seven per cent each year, semi annually, on the first day of January, and on the first day of July."

Sec. 35 of said
act repealed
and replaced
by another.

2. The thirty-fifth section of the said act thirty-third Victoria, chapter forty-six, is repealed, and the following substituted thereto:

"It shall be lawful for the said corporation to negotiate the said stock, shares or debentures either in this Province or elsewhere, and if issued, payable in Great Britain, in sums of not less than one hundred pounds sterling, and to pay the interest on the same, either in sterling money or in the current money of this Province, and to meet in the same manner the terminable debentures of the class C."

3. The schedules Nos. 1 and 2, appended to the said act thirty-third Victoria, chapter forty-six, are amended by striking out the words "seven per cent per annum," and by adding the following words at the end thereof: "the interest payable in London on the office of at the

4. The twelfth section of the act thirty-first Victoria, chapter thirty-third, is amended by striking out the words "five years" in the second line of said section, and substituting therefor the words "eight years."

Sec. 12 of 31
V, c. 33
amended.

5. The present act shall be considered as forming but one and the same act with the acts hereby amended.

This and the
amended acts
to form one.

6. All acts or portions of acts contrary to or incompatible with the provisions of the present act are hereby repealed.

Repeal of
inconsistent
enactments.

C A P. X X X I V.

An Act to establish exceptional and special arrangements, in the Parish of St. Hyacinthe-le-Confesseur, for the construction of a Parish Church, to become the Cathedral of the Bishop of St. Hyacinth.

[Assented to 23rd December, 1871.]

WHEREAS His Lordship the Bishop of St. Hyacinth, and certain roman catholic freeholders, inhabitants of the parish of St. Hyacinth, including the city of St. Hyacinth, acting upon the unanimous wish of almost all the parishioners, as expressed in a petition to the said bishop, in November and December, 1871, have, by their petition, prayed for the passing of an act to authorize and legalize exceptional and special arrangements in the said parish, for the construction of their parish church, which shall become at the same time the cathedral of the said bishop, and for the temporal management and administration of the property of the said church, and whereas it is proper and expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. Immediately after the passing of the present act, seven trustees shall be appointed by the bishop or administrator of the diocese of St. Hyacinth, by letters under the episcopal seal, and be selected from among the rate-payers residing in the said parish, to preside over all the operations and enter into all contracts and agreements necessary for the construction of the said parish church and cathedral.

Seven trustees
to be appointed
by the
bishop.

2. Immediately after their appointment, the said trustees shall elect one of their number to be their president, and he shall have the same duties, powers and func-

Trustees to
elect a
president.
His duties
and powers.

tions as the president of trustees appointed under chapter eighteen of the consolidated statutes for Lower Canada.

Vacancies to be filled by bishop.

3. In case of the death or permanent absence from the parish, of one or more of the said trustees, others shall be appointed in their place by the bishop or administrator of the diocese.

Trustees to be a corporation.

4. The trustees so appointed shall be known and designated as "the trustees of the cathedral of St. Hyacinth," and shall constitute under that name a body politic and corporate.

Powers of trustees.

5. The said trustees shall, for the execution of their office and mission, possess all the rights and powers, and have all the responsibilities and duties of trustees elected for the same purposes under chapter eighteen of the said consolidated statutes and the acts amending the same. They shall act in all matters connected with the exercise of their office, in concert and accord with the bishop or administrator of the diocese.

Plans, &c., of church to be prepared and approved by bishop.

6. It shall be the duty of the said trustees, within six months after their appointment, to cause the plans and specifications of the proposed church to be prepared, which plans and specifications shall, in no case, be executed without the formal approval of the bishop or administrator of the diocese, and they may be modified, if required, with the same approval.

Trustees empowered to accept transfer of a certain property from the bishop until the formation of the cathedral council in whom the right of property shall vest.

7. His Lordship, Charles Larocque, bishop of St. Hyacinth, having decided to endow the parish of St. Hyacinthe-le-Confesseur, including the city of St. Hyacinth, with a lot of ground for the site of the said church, a deed of transfer of the property in such lot of ground shall be passed by His Lordship to the said trustees, who are authorized to accept the same for the use of the said parish, pending the formation of the council of administration of the cathedral of St. Hyacinth hereinafter mentioned, to which council of administration, the title of property in the said lot of ground and the said church shall be transferred of right and by the sole effect of the present act so soon as that council shall have been regularly appointed, and shall have caused the deed granted by the said bishop to be enregistered in the office of the prothonotary of the superior court, at St. Hyacinth.

\$32,000 to be levied by assessment.

8. For the construction of the said parish church and cathedral, there shall be levied, by assessment upon the real estate belonging to roman catholic proprietors only, and situated within the limits of the said parish, a sum of eight thousand pounds or thirty-two thousand dol-

lars currency, payable in ten years, by two equal semi-annual instalments, exigible on the first of July and of January in each year, to the twentieth and last payment, the first of which shall be exigible on the first of July, one thousand eight hundred and seventy-two.

9. The following properties shall be exempt from the assessments to be levied under this act, namely: the present pro-cathedral and the ground upon which it is built, the bishop's palace, its dependencies and the ground upon which it and they are built, the college and the ground upon which it is built, the other buildings occupied as educational establishments, together with the lands upon which such establishments are erected or which form part thereof, the *Hôtel-Dieu* and the ground upon which it is constructed and its dependencies, and the *ouvroir* (work-house) and the ground upon which it is built.

Certain property exempt from the assessment.

10. The present act shall have no retroactive effect, and shall not be in any way invoked in actions now pending or which may be hereafter instituted for the recovery of moneys heretofore granted to His Lordship the Bishop of St. Hyacinth, exclusively, to aid the construction of a cathedral church in the city of St. Hyacinth, and upon the express condition that such cathedral be built, and the parties in pending actions, or actions which may be instituted for the same purpose, shall, notwithstanding the passing of this act, retain the respective rights which they possessed and might have exercised before the passing of the said act.

This act shall not be retroactive or active or appeal pending suits and parties to such suits shall retain whatever rights they had.

11. The trustees shall not commence to build the said cathedral, until they have in hand the first ten instalments of the assessment, or a sum equal to such ten instalments, otherwise placed at their disposal.

Building not to commence until \$60,000 are paid up.

12. The trustees shall deposit at interest in a savings' bank of this province, or invest in government securities, as they receive them, all moneys paid into their hands for the construction of the said church.

Moneys to be invested.

13. Within the last fifteen days of December, in each year, the trustees shall make a report to the parishioners of all their transactions, and shall render an exact account of all their receipts and expenses, and of the interest upon deposits made by them, as aforesaid.

Trustees to report and account annually to parishioners.

14. The trustees shall, in their corporate name, have a right of action to compel the fulfilment of any duty, charge or obligation imposed, and the payment of all sums of money which should have been paid to them under this act, and which have not been so paid, against any person

Right of action of trustees.

or body refusing or neglecting to fulfil such duty, charge or obligation, or to pay, when required, such sum of money.

Apportionment
of assessment
between the
city and the
parish of St.
Hyacinth.

15. Whereas it is desirable to equitably apportion the said sum of thirty-two thousand dollars, upon all the rate-payers of the two municipalities comprised within the Parish of St. Hyacinthe-le-Confesseur, in accordance with the value of their properties assessable under this act, it is enacted that the quota to be levied upon the properties of the roman catholic rate-payers only, situated in the said municipality of the Parish of St. Hyacinthe-le-Confesseur, is and shall be eight thousand nine hundred dollars currency, and the quota to be levied upon the properties of the roman catholic rate-payers only, situated in the municipality of the city of St. Hyacinth, is, and shall be twenty-three thousand one hundred dollars currency.

Power to
councils of
parish and
city to raise
the amount
apportioned
together with
expenses and
losses.

16. Within the six months immediately following the passing of the present act, the mayor and city council of St. Hyacinth and the corporation of the parish of St. Hyacinthe-le-Confesseur, acting through their respective municipal councils, shall have power, and be bound to impose, by simple resolution and without any other formality, a rate to raise the quota, free of deductions, allotted as aforesaid to each of the said municipalities, of the said sum of thirty-two thousand dollars currency, upon the real property of the roman catholic freeholders only, situated within the limits of the said municipalities respectively, (property exempted by the present act excepted,) and also to raise such additional sum as they may deem sufficient to cover all expenses or losses in the collection of the amount to be levied.

Periods at
which rates
shall be
payable.

17. This rate shall be exigible at the periods above mentioned and which shall be repeated in the resolution imposing it.

Supplementary
rate if
necessary.

18. In the case, where for any cause whatever, the said rate shall prove insufficient to meet the quota allotted to one or other of the said municipalities, such municipality may and shall impose upon the property assessable under this act, by simple resolution, a supplementary rate to supply the deficit.

Rate to be
collected by
the secretary-
treasurer.

19. The share to be contributed by each of the said municipalities shall be collected by its secretary-treasurer, who shall be bound, so soon as he has in hand a sum of two hundred dollars, or more, to pay over the same to the trustees.

Rate to
be privileged over
all other debts,

20. Any rate imposed under this act shall be privileged and payable by the properties affected preferentially to any

other debt, whether privileged or not, and shall be recovered summarily like other municipal taxes in the said municipalities respectively, and in the same manner.

21. There shall be no fabrique nor church-wardens in the parish of St. Hyacinthe-le-Confesseur. No fabrique in the parish of St. Hyacinth.

22. When the said church shall have been built, the bishop shall take possession thereof to consecrate it for the purposes of public worship; and it shall become by the fact his cathedral and that of his successors, but it shall be maintained at the cost of the parishioners, as churches in other parishes, and parochial duties shall be therein performed as in the existing pro-cathedral, either in the name of the bishop, by a *curé*, who shall lawfully enjoy all the rights and privileges of the *curé* incumbent, or by an incumbent *curé* whom the bishop shall always be entitled to appoint for such purpose. Church to belong to the bishop but be maintained by parishioners. How parochial duties shall be performed therein.

23. On taking possession of the said church, the bishop or administrator of the diocese, shall establish a council of administration, composed of five members selected from among the rate-payers resident in the parish, and appointed by letters under the episcopal seal, for the temporal management and administration of the property and affairs of the said church, under the presidency of the bishop, or the *curé*, in the absence of the bishop, and under the full control of the bishop, who shall, from time to time, determine the functions, duties and powers of such council. Bishop to appoint a council of administration and to determine its functions, powers and duties.

24. Such council shall be a body politic and corporate, under the name of the "Council of Administration of the Cathedral of St. Hyacinth," and shall have perpetual succession, perform and transact all the affairs within the scope of its powers, and may sue and be sued, acquire real estate and other property for the purposes of public worship in the said parish, and, from the moment of its creation, be seized with the right of property in the ground which shall have been granted as aforesaid, by his Lordship Charles Jarocque, Bishop of St. Hyacinth, and in the said church. Council to be a corporate body. May acquire real estate and shall become seized.

25. Such council shall be partially renewed each year, by the retirement of an old member, and the appointment of a new one in his place by the bishop or administrator of the diocese. One member of council to retire and be replaced every year by the bishop.

26. On the first of January in each of the five years following their appointment, it shall be decided by lot which of the members of those first appointed shall retire from office, until the last shall have been replaced, and afterwards, at the same date in each year, the senior member shall retire from office. Order of retiring to be determined by lot in each of the first five years.

Duties of the council.

27. It shall be the duty of the said council of administration to insure in its name the said church and other buildings destined for public worship in the said parish, in order to rebuild or repair them with the moneys arising from the insurance in the event of their total or partial destruction, such insurance to be for whatever amount the council shall deem prudent, and to be approved in every case by the bishop or administrator of the diocese; to provide, in concert with its president, for the current expenses of worship, and the costs of insurance and maintenance of the church and other buildings and things destined for public worship, but it shall not incur any expense extra or outside of those therein determined without the approval of the bishop; to manage and administer the temporal property of the said church; to collect all the revenues of the cathedral and its dependencies, to render an account each year within the last fifteen days of the month of December of its receipts and expenditure, and of its management and administration, to the bishop or administrator of the diocese, and, upon such rendering and settlement of accounts, to pay over any residue, bonus or surplus of receipts to the bishop, who may dispose of the same as he thinks proper, either for his personal wants, or for purposes of charity or public utility.

Time and place of meetings of council.

28. The place, day and hour of the meetings of the said council shall be fixed by the president.

Notifications, &c., may be made upon the curé.

29. All notifications, the signification of any deeds, papers or documents whatsoever, concerning the said council of administration may be made upon the *curé* (either the incumbent *curé* or the *curé* in office,) or, in the case of absence of the *curé*, upon the senior member in office.

Council to keep minutes, name a secretary.

30. The said council shall keep a register of its proceedings and deliberations, and, for that purpose, shall elect a secretary from among the members thereof.

Copy of register certified by bishop or curé to be *prima-facie* evidence.

31. Any copy or extract from the said register, certified by the bishop or *curé*, shall be proof of its contents, until proof to the contrary be made.

Trustees and members of council bound to accept office under pain of penalties.

32. The trustees and members of the council of administration appointed under this act, shall be bound to accept the said offices respectively, under pain of the penalties imposed by the laws of the country upon trustees elected for the construction of churches and upon churchwardens, who refuse to accept or discharge the duties of their office.

CAP. XXXV.

An Act to amend the Act 29th Victoria, Chap. 61, intituled: "An Act to incorporate the Village of Berthier as a Town."

[Assented to 23rd December, 1871.]

WHEREAS the town council of Berthier have, by Preamble petition, represented that the act incorporating the same should be amended so as to grant additional powers to the said council; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The second sub-section of the second section of the act ^{\$2 of sec. 2 of} of the province of Canada, passed in the twenty-ninth year of ^{29 V. c. 61} the reign of Her Majesty Queen Victoria, chapter sixty-first, ^{amended.} is hereby amended by striking out the word "three" in the third line, and substituting therefor the word "two."

2. The third section of said act is amended by striking out ^{Sec. 3 of said} the word "nine" and substituting the word "six" and ^{act amended.} by striking out the word "three" and substituting the word "two" in the second line.

3. The fourth sub-section of the fourth section of said ^{\$4 of sec. 4 of} act is amended by striking out the words "practising ^{said act} physicians, surgeons and apothecaries" in the fourth and ^{amended.} fifth lines.

4. The seventh section of said act is amended by strik- ^{Sec. 7 of said} ing out the word "*deux*" in the second line, in the French ^{act amended.} version.

5. The fourth sub-section of the eighth section of said ^{\$4 of sec. 8 of} act is amended by adding at the end the following words: ^{said act} "Except those who shall be elected at the next election, ^{amended.} Retirement of three of whom, namely one in each ward, shall go out of ^{councillors.} office at the expiration of the first year, and the councillors who shall go out of office at the end of the first year shall be designated by lot from amongst all the councillors, including the mayor, in the manner provided by the council, in default of what they shall be designated by the president of the then following municipal election or by the lieutenant-governor of the province of Quebec."

6. The fifth sub-section of the eighth section of said act is ^{\$5 of sec. 8 of} repealed, and the following substituted therefor: ^{said act re-} ^{pealed and} ^{replaced.}

"The subsequent election of three councillors for the said town shall take place in the same manner, at the same time, and within the same delays as the next election."

§4 of sec. 9
amended.

7. The fourth sub-section of the ninth section is amended by adding after the words "elected councillor" in the twelfth line, the following words: "unless to be designated by lot to go out of office at the end of the first year of his election as councillor" and by adding the following words at the end of said sub-section: "And whenever the office of mayor of said town shall become vacant, the council of said town may fill up the vacancy by appointing from amongst its members a mayor for said town."

§5 of said sec.
amended.

8. The fifth sub-section of the ninth section of said act is amended by adding after the word "aforesaid" in the sixth line, the following words "if however the office of mayor be then vacant."

§6 of said sec.
amended.

9. The sixth sub-section of the ninth section of said act is amended by striking out the word "five" and substituting the word "four" in lieu thereof.

Sec. 14 of said
act amended.

Meetings of
council.

10. The fourteenth section of said act is amended by adding in the first line thereof after the word "Council" the following words: "unless it be otherwise provided by a by-law, shall meet and hold a regular and general meeting at least twice in every month, on the first and third Wednesdays of each month, at seven o'clock in the evening, or on the following day, if the first or third Wednesday of the month, happens to be a legal holiday," and by adding also after the word "may" at the end of the sixth line, the following words: "after the expiration of one hour, from the time appointed for the meeting of the council," and by striking out in the first and second lines, the following words: "shall meet at least once in each month."

Sec. 15 of said
act amended.

Adjournment.

11. The fifteenth section of said act is amended by adding at the end the following words: "And it shall be lawful for the said council to adjourn any general or special meeting, from time to time, and as often as may be necessary or thought fit by said council, and if there was a quorum of members of said council at said adjourned meeting, notice of such adjourned meeting to members absent shall not be necessary."

Sec. 19 of said
act amended.

12. The nineteenth section of said act is amended by adding after the word "present" in the first line, the following words "or in his absence, the pro-mayor hereafter mentioned, or in the absence of both, the councillor who shall be chosen by a majority of councillors present," and by adding also, after the word "mayor" in the seventh line, the following

words : "or pro-mayor or councillor presiding," and by striking out all the words after the word "office" in the eleventh line of the said nineteenth section.

13. The nineteenth section of said act is also amended by adding after the word "office" in lieu of the words hereinabove struck out, the five following sub-sections : Sec. 19 of said act further amended.

"1. The mayor or other officer for the time being, presiding at any sitting of the council, shall have the right to enforce his authority for the maintenance of order and decorum, in expelling by force from the room of the council, until the adjournment of the sitting, any member of the council who shall persist in his misconduct after having been declared out of order by the mayor or officer presiding as aforesaid ; provided that on motion to that effect, it be resolved by the majority of members present, that the mayor or presiding officer shall exert his authority in the matter and any such motion shall be held to be in order, and shall be proposed and decided without any debate ; and the mayor or other presiding officer shall also have the right to enforce his authority for the maintenance of order, in expelling by force from the said room of the council, until the adjournment of the sitting, any person present disturbing order and the peace, after having been declared out of order by the said mayor or presiding officer as aforesaid, or may punish him by fine or imprisonment ; provided always that such fine shall not exceed twenty dollars, payable immediately, and that such imprisonment shall not exceed the period of fifteen days. Power to enforce good order by expulsion.

"2. The said council shall also have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than, forty dollars currency, any councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever. Power to punish disturbance by fine or imprisonment.

"3. The sheriff and gaoler of the district of Richelieu shall be bound, and they are hereby ordered and required to receive and safely keep, until duly discharged, all persons committed to their charge by the said town council, the mayor of said town or any officer presiding at any sitting of said council as aforesaid. Sheriff and gaoler bound to comply with commitment.

"4. It shall be lawful for the said council to choose and appoint from among its members forming the council, as many committees composed of such number of members which may be thought fit, to facilitate the transaction of all business which may be before the council, and for the execution of such duties which may belong to or be prescribed by said council, subject, nevertheless, in all matters to the approbation, authority and control of said council. Power to name committees.

Appointment
of a pro-mayor.

"5. At the first general meeting of the council after each municipal election or at any other general meeting, the council shall proceed to the election or appointment of one of its members to be pro-mayor and to fulfil the duties of pro-mayor during the absence or illness of the mayor of said town, or in case the office of mayor of said town become vacant, and the member so elected, shall have and shall exercise during such absence and until another be appointed in his place by said council, all powers, authority and privileges legally vested in the mayor of said town."

§2 of sec. 20 of
29 V. c. 61
amended.

14. The second sub-section of the twentieth section of said act is amended by adding at the end the following words: "And all proceedings of said council shall be signed by the mayor of said town, or by any other officer or councillor then presiding at the sitting, and shall be countersigned by the said secretary-treasurer or assistant secretary-treasurer of said town."

Sec. 20 of said
act further
amended.
Appointment
of an assistant
secretary-
treasurer.

15. The twentieth section of said act, is also amended by adding the following sub-section as sub-section seventeenth:

"17. The secretary-treasurer of the town of Berthier, may from time to time, with the approbation of the town council, appoint under his signature, an assistant secretary-treasurer who may exercise, but under the responsibility of the secretary-treasurer who shall have appointed the same, all the duties of the said office of secretary-treasurer, together with all the rights, powers, privileges and under the same obligations and penalties as the secretary-treasurer himself except in what relates to the suretyship. In the fulfilment of his duties, he shall act under the responsibility of the secretary-treasurer who shall have appointed him, and under the responsibility of the sureties of the last named officer. In case of vacancy in the office of secretary-treasurer, the assistant secretary-treasurer, shall continue to fulfil the duties of the office, until such vacancy is filled, but he may be dismissed or replaced at pleasure by the secretary-treasurer of said town."

His powers,
duties and re-
sponsibilities.

Sec. 28 of said
act amended.

16. The twenty-eighth section of said act is amended by adding at the end the following words: "without any other qualification and without having to take the oaths required for such office."

Sec. 29 of said
act amended.

17. The twenty-ninth section of said act is amended by adding in the thirteenth line after the word "council" the following words "without having obtained the permission of not assisting."

Sec. 30 of said
act repealed
and replaced.

18. The thirtieth section of said act is hereby repealed, and the following section is substituted therefor:

" It shall be lawful for the said town council of Berthier at a general or special meeting of said council, at which there shall be a quorum, to make by-laws binding on all persons for the following purposes, to wit: for the good order, peace, welfare, improvement, cleanliness, health, interior economy and local government of said town, and for preventing and restraining all nuisances, and all acts and doings in said town, opposed, contrary or prejudicial to good order, peace, welfare, improvement, cleanliness, health, interior economy and local government of the said town; to levy, impose taxes and employ all funds required for the execution of the powers now or to be hereafter vested in the said council, either by the imposition of dues and tolls which shall be paid for certain public works in said town, or by apportionment or annual assessment which shall be yearly levied and assessed, on all movable or immovable properties, or on both within said town, or on the proprietors or occupants of the same in relation to said properties; provided that the assessment shall not in any year exceed one cent in the dollar of the whole real value as entered in the valuation or assessment roll of said town, of all ground, lots or portion of lots situate within said town, whether buildings are erected on the same or not, nor exceed one half cent in the dollar on the real value, as entered on the valuation or assessment roll of said town, or as specified in the said act, of all movables within said town."

Power to make
by-laws for
certain
purposes.

Proviso.

19. The thirty-first section of said act is hereby repealed, and the following is substituted therefor:

Sec. 31 of said
act repealed
and replaced.

" It shall be lawful for the said town council of Berthier to appoint, dismiss and replace, when they shall see fit, all officers and servants, who may be deemed necessary, for the due execution of all their by-laws made or to be made hereafter, and they may require from each of them such security as may be deemed sufficient to insure the due execution of their duties; to establish and regulate a police force for said town, and for that purpose, to appoint from time to time, as occasion shall require, either from among the policemen now under the control of said council or among other persons, a sufficient number of proper men who shall be sworn before the mayor of said town of Berthier, or before any justice of the peace within the said district of Richelieu, to act as constables, to preserve peace during the day and at night and to prevent larcenies and other felonies, and to arrest all disturbers of the peace, and the men so sworn shall have, not only within the limits of the said town of Berthier, but also within the whole district of Richelieu, all such powers and privileges and shall be subject to all and such duties and responsibilities which may or shall have and to which may or shall be subject, under

Power to
appoint officers
for the execu-
tion of by-
laws;

Constables.

Officers to
direct constabulary force.

Powers of
constables.

Trial of
offenders.

the provisions of law now in force, or which may hereafter become in force within the province of Quebec, any constable or peace officer within the limits of the place for which he is or shall be appointed; and it shall also be lawful for the said council to appoint all officers which said council may deem necessary, to superintend and direct the said constabulary force, and to give to such officers so appointed any name, and assign to them any duty deemed advisable by said council; and said officers and men who shall thus be appointed shall obey all legitimate orders and commands which they shall receive at any time from the said council, from the mayor or from any justice of the peace within said town, and during the fulfilment of their duties in their respective offices, and all and every officer so appointed shall enjoy when in office, not only all powers and privileges vested in a constable appointed under this act, but also all and every power deemed necessary for the legal execution of all and every duty legally imposed upon them by said council; and the said council, or all and every member of said council authorized to that effect by said council, may at any time, suspend or dismiss any officer or constable appointed under this act, whom they shall deem neglectful in the execution of his duties or otherwise unable to fulfil the same, and appoint others in his stead; and the officers of said constabulary force shall enjoy, as regards the government control, dismissal or suspension of any constable who shall so be appointed, all powers which said council shall see fit to grant, by by-law to that effect, to said officers respectively. It shall be lawful for any constable of said town of Berthier, to arrest on view and without a warrant, all idle and disorderly persons whom he shall find disturbing public peace, or whom he shall have just reason to suspect of any bad intent, or whom he shall find lying, lounging or strolling either during night or in day time, in any field, road, street, yard or other place, and any prostitutes or persons strolling during night or day time, or found lying, lounging or strolling, putting up or sleeping in any barn, building, out-house or other unoccupied building, or in open air, or under a tent, cart, wagon or other vehicle, and not giving a satisfactory account of themselves, and all persons drunk or causing some tumult in the streets or public roads, by shouting, cursing or otherwise, and to deliver such persons so arrested into the custody of the officer or constable appointed under this act or the amendments thereto now made, who shall be on duty at the guard-house or police station established in said town by said council, and the nearest, so that said persons be safely kept until they may be brought, within twenty-four hours after their apprehension, before the mayor or any other justice of the peace of said town, to answer the

complaint then made and preferred against them, and be dealt with according to law, or give bail to such officer or constable for their appearance on the day appointed, before said mayor or justice of the peace aforesaid, if such officer or constable thinks proper to accept such bail in the ordinary manner prescribed by law, before said mayor or any justice of the peace having jurisdiction within said town; and moreover, it shall be lawful for the said mayor, or for such other justice of the peace by whom any disorderly person shall have been found guilty of any hereinabove cited offence, on confession or on the testimony of one or more credible witnesses, to sentence such person to pay a fine not exceeding twenty dollars, either immediately or at any such time deemed expedient, and to be imprisoned in the common gaol in and for the district of Richelieu for a period not exceeding two calendar months, or to sentence such person to pay a fine not exceeding twenty dollars, either immediately or within the time which he shall deem advisable to fix, and in default of such payment, immediately or at any time fixed as aforesaid, such person be imprisoned in the said common gaol for a period not exceeding two calendar months; such imprisonment shall nevertheless cease on payment of the fine imposed. And in addition to the powers and authority conferred by the preceding section of this act unto the said constabulary force, it shall and may be lawful for any officer or constable belonging to said force, during the night or in day time, to arrest on view, and without a warrant, any person offending against any by-law of the said town of Berthier, or the council thereof, the violation of which is punishable by imprisonment, and it may and shall be lawful for any such officer or constable to arrest any such offender against any such by-law, immediately after the committing of the offence on good and satisfactory information being given as to the nature of the offence and as to the persons committing the same; and any such persons thus summarily arrested shall be immediately arraigned in the city-hall, or the office of the corporation of the said town council of Berthier, or in the court-house, in the said town, before the mayor of said town, or before any other justice of the peace of said town, to answer the complaint then to be made or preferred against them, and be tried before said mayor or such other justice of the peace, within twenty-four hours after their apprehension, and in case such trial could not be had within such delay, they may give bail or recognizance to be taken and received by said mayor or such other justice of the peace of said town, or by the secretary-treasurer of said town, that the said parties shall appear on the day fixed before said mayor or such other justice of the peace aforesaid, to answer the charge or com-

Punishment of
offenders.

Power to arrest
persons offend-
ing against
by-laws.

Trial of
offender.

Proviso.

Punishment of
officers and
constables
guilty of
neglect, &c.

plaint then to be preferred against them, and for which they were arrested as aforesaid; and any recognizance so taken, shall be equally binding upon the parties who shall make it, and shall be subject to the same proceedings for the forfeiture of the same, as well before the said mayor as before such other justice of the peace aforesaid, as any recognizance taken before a justice of the peace, and forfeited before the general or quarter sessions of the peace, for the district of Montreal; provided that nothing herein contained, shall prevent persons so summarily arrested as aforesaid, from being examined and being tried at once, when they are arraigned in such place before the mayor or before such other justice of the peace of said town, if the offence for which said parties were arrested as aforesaid, may legally be brought before said mayor, or such other justice of the peace of said town. And be it enacted, that if one of the officers or constables who shall be appointed as aforesaid, be guilty of any neglect in his duty or of disobedience to any legal order, any such offender shall, on conviction thereof, before said mayor or such other justice of the peace of the said town, be, for any such offence, liable to be imprisoned for a period of time not exceeding thirty days, or to pay a fine not exceeding ten dollars currency, or to be dismissed from office, or may be subject to two or to all of the said punishments, according as the said mayor or such other justice of the peace of said town may, in his discretion, deem expedient."

§3 of sec. 32 of
said act
amended.

20. The third sub-section of the thirty-second section of said act of incorporation is amended by striking out the word "of" in the third line, and substituting therefor the following words: "not exceeding."

§6 of said sec.
32 amended.

21. The sixth sub-section of the said thirty-second section of said act of incorporation is amended by striking out the word "of" in the second line, and substituting therefor, the following words: "not exceeding."

§7 of said sec.
32 amended.

22. The seventh sub-section of the same section of said act is amended by adding after the words "spirituous liquors" in the fifth line, the following words: "or to impose on them a duty or assessment on their respective certificates of electors when it is approved by said town council of Berthier for obtaining their license" and by adding after the word "agents" in the eighteenth line of the same sub-section, the following words: "intermediate agents, commission agents or employees of any telegraph companies, and their agents or operators within said town; on all gas companies, and places by them occupied within said town, on all ginger, spruce or root beer manufacturers and their agents or agencies of any of them; on all brick

manufacturers, lumber dealers and proprietors, or persons in possession of mills moved by water or steam power; on tanneries, within said town; on all inspectors of potash, pearl-ash, beef, pork, flour, butter and other produce, articles or things whatsoever within said town, on all bailiffs residing within said town;" and by adding after the word "herein" in the twenty-first line of said sub-section, the following words: "and on all persons by whom they may be exercised or put in operation within said town, either on their own account or as agents for others, and on the places in or on which they are or may be made, exercised or put in operation within said town;" and by striking out, after the word "assessed" in the twenty-fifth line, the following words: "at one dollar per annum for those of the first-class, and at twenty-five cents for those of the second class;" and by substituting therefor the following words: "at a sum not exceeding one dollar per annum."

23. The said thirty-second section of said act of incorporation is also amended by adding to it a tenth sub-section, as follows :

Said sec. 32
further
amended.

"Any by-law made by the town council of Berthier, aforesaid, imposing personal or professional taxes and assessments, or imposing them on movable properties within said town with a view of providing for the annual expenses or the payment of debts of the corporation, shall be valid, legal and executory against all persons and their properties within said town, even if said council have not pointed out precisely or given the details of the object or of the appropriation of such taxes and assessments."

Certain by-
laws to be
valid notwith-
standing the
absence of
certain details.

24. The fifteenth sub-section of thirty-third section of said act is amended by striking out, in the second line thereof, after the word "town" the following words, "or riding on horseback," and substituting the following words therefor: "for preventing and punishing horse-racing, and any person driving a horse too fast in the streets, roads and public squares within said town, and to prevent riding on horse-back and driving."

§15 of sec. 33
of said act
amended.

25. The sixteenth sub-section of the thirty-third section of said act of incorporation is amended by adding after the word "regulating" in the first line thereof, the following words "fixing and determining" and by adding at the end the following words: "and for forcing bakers to stamp the bread by them made with the initials of their respective names, and for confiscating bread not being of the required weight, or being of unwholesome quality."

§16 of said sec.
33 amended.

Bakers.

26 The nineteenth sub-section of the said thirty-third section is amended by adding at the end, the following

§19 of said sec.
33 amended.

Stray animals. words: "And the said council may impose any fine on all proprietors or possessors of all and such animals running at large in the streets, or public squares, within the said town, and without it being necessary for that purpose, to have the same taken and impounded in a public pound."

§20 of said sec.
33 amended. **27.** The twentieth sub-section of said thirty-third section is amended by adding at the end thereof, the following words: "And for establishing and determining as many police stations as the council may see fit, in order to safely detain all persons arrested, by any constable until they may be tried, as aforesaid."

§22 of said sec.
33 amended. **28.** The twenty-second sub-section of said thirty-third section is amended by striking out in the fourth line the following words "and to make footways," and by substituting therefor the following words "and to cause footways to be made, repaired, maintained and renewed if necessary, with such materials and according to such mode as prescribed by said council, on or along any part of such ground bounding or running along any part of a street or public square within said town."

§23 of said sec.
33 amended. **29.** The twenty-third sub-section of said thirty-third section is amended by striking out the words "or" and "water" in the second line of the English version, and adding after the word "filthy" in the same line, the following words **Putrid waters.** "and putrid waters, or which may be in any way injurious to or dangerous for public health."

§24 of said sec.
33 amended. **30.** The twenty-fourth sub-section of said thirty-third section is also amended by adding at the end thereof, the following words: "as well as all fences exceeding five feet in height, erected or projecting upon the street, and overreaching the front of any house so as to injure the view of any neighbours or inhabitants on said street."

§ 6 of said sec.
33 amended. **31** The twenty-sixth sub-section of said thirty-third section is amended by adding at the end thereof, the following words: "if, however, such widening, lengthening or altering the level is not caused by his neglect, or bad keeping in repair of such street or sidewalk, to which he is bound, and in case such want of width, length or level of such street be caused by the neglect or bad keeping in repair by such proprietor or occupant thereto bound, he shall be obliged to make all necessary works, either of earth or of wood, to repair and maintain the width, length and level of said street, prescribed by law or by by-laws of the municipal council of the late village of Berthier, or by any by-law made under said act incorporating said village as a town, and in default by him of so doing

Liability of proprietors as to keeping streets in repair.

within the time prescribed, the council of said town may cause the same to be made as mentioned in the forty-fifth sub-section of the said thirty-third section," as amended.

32. The fortieth sub-section of said thirty-third section ^{\$40 of said sec. 33 amended.} is amended by adding at the end the following words: "and for obliging every proprietor or occupant of any ground on which is erected an inhabited house, to make and maintain thereon suitable water-closets or privies with the necessary cesspools, by fixing the distance at which may be erected such water-closets, as well as any pig-sty from the adjacent grounds." ^{Privies.}

33. The forty-first sub-section of said thirty-third section ^{\$41 of said sec. 33 amended.} is amended by adding after the word "carcass" in the fourth line the following words "to be removed or buried," and after the word "substance" in the same line the words "to be removed," and by adding after the word "proprietor" in the sixth line the following words "of such dead animal or carcass, or of such deleterious substance, either ^{Dead animals.} by the proprietor."

34. The forty-fifth sub-section of said thirty-third section ^{\$45 of sec. 33 amended.} is amended by adding at the end thereof the following words: "and in case the proprietor or occupant of any ground should neglect to make and perform any work whatever ordered by said town council to be made under this section, or under any by-law made by the municipal council of the late village of Berthier, within the time prescribed for the making of the same, said council may cause the said work to be made at the expense of the corporation of said town of Berthier, and recover the cost thereof immediately from said proprietor or occupant, with interest, by action for debt before any court having jurisdiction; such claim of said corporation, for capital, interest and costs conferring a privilege on said land without any registration." ^{Proceedings when proprietor fails to do a work ordered by the council.}

35. The forty-seventh sub-section of said thirty-third section ^{\$47 of said sec. 33 amended.} is repealed and the following is substituted therefor: "For permitting, regulating and prohibiting bathing and swimming in the river Bayonne, or in that part of the river St. Lawrence forming the front boundary of said town." ^{Bathing.}

36. The third sub-section of the thirty-seventh section ^{\$3 of sec. 37 amended.} of said act is amended by striking out, after the word "river" in the sixth line, the following words: "forming the front boundary of the said town, or upon one-half of," and substituting therefor the words: "Bayonne, or of."

37. The thirty-ninth section of said act is repealed, and the following is substituted therefor: ^{Sec. 39 of said act repealed and replaced.}

Power to fine
and imprison
offenders
against by-
laws.

Proviso.

Power to
confiscate in
certain cases.

"The said town council of Berthier may levy, on any person violating, or transgressing or offending against any provision of its by-laws made in virtue of the said act, or the amendments now made thereto, and recover, by way of attachment and sale of the goods and chattels of the offender, a fine not exceeding twenty dollars for every infraction, or impose an imprisonment not exceeding thirty days, or impose both punishments at the same time, at the discretion of said council; provided always that the cost of conveyance for so imprisoning such parties, either in the common gaol, in and for the district of Richelieu, or in any other gaol within said district, be paid by said town council; and said council may also punish, by confiscating their goods, produce and provisions, any person who shall, by exposing the same for sale in the markets or in the streets of said town, violate any by-law made by said council, as regards the weight and quality of such goods, produce and provisions, and no person shall be held to be incompetent to give evidence in any information, complaint, arrest or suit, under said act or the amendments made thereto, by reason of such person being a proprietor of land in, or inhabitant of said town."

Sec. 41 of said
act amended.

38. The forty-first section of said act is amended by adding in the second line thereof, after the word "act" the following words, "and the amendments made thereto, and also under any by-law made by the town council of Berthier aforesaid."

Sec. 42 of said
act amended.

Publication of
by-laws.

39. The forty-second section of said act is amended by adding at the end the following words: "Within two weeks after the passing thereof, or such by-law shall be published by said council causing to be posted at the places aforesaid, within said town, within two weeks after the passing of such by-law, a public notice certified by the secretary-treasurer of said town, in which mention shall be made of the date and object of such by-law, as well as of the place within said town, where the same may be examined."

Two certain
by-laws de-
clared valid.

And whereas the publishing by posted notice, and by public reading as required by law, was duly made in proper time, of two by-laws of the late municipal council of the village of Berthier, one of which dated the seventeenth of June, one thousand eight hundred and fifty-six, intituled: "By-law ordering the making of ditches on both sides of the streets, and the rounding of their surfaces," and the other, dated the third day of August one thousand eight hundred and fifty-seven, intituled: "By-law ordering the widening and raising of certain parts of Edouard street, in said village of Berthier," but that the certificates

attesting said publication were not made in a legal form, and that the person who read said by-laws died before having corrected said certificates, the said two by-laws herein mentioned, shall have and shall be held to have had from their passing and publication the same force and effect as if their publication had been duly authenticated by a certificate duly made."

40. The fifty-sixth section of the said act is repealed and the following is substituted therefor:

Sec. 56 of said act repealed and replaced. Recovery of penalties.

"56. All penalties and fines imposed by any by-law made and passed by said town council of Berthier, or by any provision of said act or of the amendments made there-to shall be recoverable before any district magistrate sitting within said town, or before the circuit court in and for the county of Berthier, or before the mayor of the town of Berthier aforesaid, or before any justice of the peace residing within said town, on the prosecution, complaint or information by any councillor of said town, or by the inspector of the said town, or by any officer by the council of said town appointed, in his own private name or in that of the corporation of said town, or on the prosecution or complaint by any person, being of age, in his own personal or private name; and all penalties and fines incurred by the same person may be included in the same suit and in any such action the losing party shall be condemned to the costs and expenses in such suit incurred.

1. Any action to recover such fines must be commenced within four months from the day on which they were incurred, under pain of forfeiture, and such action may be decided on the oath of a credible witness.

Limitation of actions.

One witness sufficient.

2. In default of paying immediately or within the delay fixed by the court presided by said district magistrate, or said mayor or other justice of the peace of said town, the fine imposed and all costs awarded by said court, the person condemned may be imprisoned for a period not exceeding thirty days, but such imprisonment shall, nevertheless, cease on payment of the amount due for the fine and costs of said action; the plaintiff or complainant whose demand was dismissed with costs shall be bound to pay his costs under pain of being imprisoned in the manner and within the delay already fixed in this sub-section.

Imprisonment in default of payment.

3. The prosecutions instituted or complaints or informations made before the said mayor, or said district magistrate, or any other justice of the peace of said town, shall be heard and decided by them or any of them according to the ordinary rules of practice prescribed relative to summary orders and convictions before justices of the peace, except in so far as they are inconsistent with the provisions of this section or with those hereinabove men-

Procedure in such actions.

tioned, with regard to all arrests, made on view or without a warrant; in such last case the complaints and informations may be made and preferred against the offender, either verbally or in writing, when he shall be arraigned before said mayor, or any other justice of the peace of said town, either to be tried or to give security for his appearance on the day appointed.

Complaints
need not be on
oath.
Proviso.

4. No deposition or preliminary information under oath shall be required from the plaintiff or complainant in such suits; provided, nevertheless, that the cause of complaint or demand be set forth in a sufficient manner in the writ or declaration annexed to the writ; and the delay for summoning shall be at least one juridical day between that of the service of the summons and that of the return of the same.

By whom case
shall be tried.

5. On the day of the return of the summons or warrant, it shall be lawful for the mayor or justice of the peace who shall have signed the summons or warrant to sit alone to hear and decide the case; but he may, nevertheless, require the assistance of any other justice of the peace residing within said town; the returns of service made by a bailiff shall be made under his oath of office.

Notes of
evidence.
Clerk.

6. The mayor or such other justice of the peace of said town sitting, or the clerk, shall take notes of the important parts of the evidence. Such notes signed by the sitting judge shall be of record.

Advocate's
fees.

7. In any prosecution, complaint or information aforesaid, the secretary-treasurer of said town, or in his default or refusal to act, the assistant secretary may act as clerk of said sitting mayor, or such other justice of the peace of said town, and collect all fees awarded by the court; nevertheless said mayor, or such other justice of the peace may appoint and select any other person to be his clerk, and the sitting judge as aforesaid in such cases, may award all costs, expenses and fees he may deem reasonable to award; provided always that no fee to an advocate shall exceed two dollars currency, and that the clerk's fees shall not exceed those fixed by a tariff made at Montreal by the justices of the peace in general or quarter sessions and published on or about the fourth day of May, one thousand eight hundred and fifty-three.

Clerk's fees.

Maintenance
of order in
court.

8. Any district magistrate, or mayor or other justice of the peace of said town, sitting within said town, in said prosecutions, complaints, informations, arrests on view with or without a warrant, as aforesaid, shall enjoy the same power and authority to maintain good order in court during a sitting, and may use the same means to do it as are now granted by law in the same case and for the same purpose, to any law court in the province of Quebec, so that any of them shall have the power and authority to

punish by imprisonment not exceeding thirty days, or by a fine not exceeding forty dollars, or by their expulsion from the court until the close of the sitting, all persons being guilty of contempt of court, either by not obeying the order of the sitting judge as regards decorum and good order during the sitting or in any other manner.

9. Any summons, order or warrant issued and signed by the mayor of said town of Berthier against any person, for any offence or violation of any by-law or of any provision of said act or amendments made thereto, may be legally executed against such person and his goods and chattels, within the whole extent of the district of Richelieu, as if such summons, order or warrant had been issued and signed by any justice of the peace within and for the district of Richelieu.”

Services, &c. may be made within the district of Richelieu.

41. The said act of incorporation is also amended by adding thereto a fifty-eighth and a fifty-ninth section, as follows :

Two sections added to said act.

“58. The said town council of Berthier shall have the power to make all by-laws they shall see fit to cause to be opened, or excavated, or cleansed, or widened or properly maintained any boundary or common ditches or any water-course common to several lots which they shall deem necessary for the draining of any ground situate within said town, by declaring how, when, and by what persons these works shall be made, and in what manner the whole shall be made and executed, and they may also order and regulate the cleansing, widening or maintaining of any boundary or common ditch and of any water-course common to several lots, as aforesaid, already opened.

Ditches and water-courses.

“59. All powers conferred by the Lower Canada municipal act of one thousand eight hundred and sixty and its amendments on any municipal council, on the councillors and officers of such council, and in nowise inconsistent with the said act of incorporation of said town and the amendments now made thereto, shall apply to the corporation of the town of Berthier, to the municipal council, to the councillors, and to the officers of the said corporation.”

Certain powers vested in the council and officers of the corporation.

C A P. XXXVI.

An Act to Incorporate the Montreal Credit Company.

[Assented to 23rd December, 1871.]

WHEREAS the persons hereinafter named, interested in the property known as the Brewster property, have petitioned for an Act of Incorporation for the purposes here-

Preamble.

inafter specified, and it is expedient to grant the said petition ;
Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons
incorporated.

1. Sir Hugh Allan, the Honorable James Ferrier, the Honorable Thomas Ryan, Charles J. Brydges, Peter Redpath, Thomas Cramp, Donald Lorn MacDougall, Robert James Reekie, William MacNaughton, (who shall be Provisional Directors) and all other persons and bodies corporate, who shall from time to time be possessed of any share or shares in the company, shall form an incorporated company, by the name of the Montreal Credit Company, with all the powers and rights incident to such corporations.

Power to
acquire and
dispose of
stocks, securities,
&c.

2. The company may acquire, hold and dispose of public securities, stocks, bonds or debentures of any corporate bodies, the bonds and debentures and other evidences of debt of the Government, municipal debentures, or debentures issued by the Government of Canada in exchange for those of any town, city or municipality of this Province, constituted and ground rents (but not arrears of *cens et rentes*), and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and the titles or evidences thereof, and shall, by the acquisition thereof, be subrogated in and have all the rights of the parties from whom the same or any of them shall be acquired.

Capital stock.

3. The capital stock of the company shall be one million dollars, divided into two thousand shares of five hundred dollars each, and may be increased to an amount not exceeding two million dollars by a vote of two-thirds of the shareholders present, or represented, at any annual or special meeting to be called for that purpose ; provided, that stock to the amount of one hundred thousand dollars shall be subscribed and an amount of at least fifty thousand dollars on subscribed stock paid up before the company shall go into operation.

Stock may be
classified.

4. The directors may issue the said shares of capital stock, or such number of them as they shall see fit, in separate classes or denominations, and distinguish each class or denomination as may be convenient, and may determine out of what investments or profits dividends shall be declared, upon such classes of stock respectively ; and, upon their so doing, the profits derived or losses arising from investments under one class of stock, shall not be participated in or borne by the holders of any other class of stock as such ; provided, that the directors may apportion the expenses of management in an equitable manner among all classes of stock.

Liability of
holders of each
kind of stock.

Proviso.

5. The directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the company at such lawful rates of interest, and upon such terms as they may think proper; and the directors may, for that purpose, make, or cause to be made, bonds or other instruments under the common seal of the company for sums of not less than four hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached; provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the company, for the time being, actually paid up, and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Power to
borrow money.

Proviso.

6. The company is empowered to act as an Agency and Trust company, and may hold, invest and deal, in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall, from time to time, be transferred or delivered to the company, upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

Company may
act as an
agency and
trust company.

7. The petitioners and others interested in the property on the Lachine Canal, commonly called the Brewster property, acquired under the deed from Edward Alexander Prentice to the Honorable Thomas Ryan and others, passed at Montreal before Theodore Doucet, notary, on the twentieth day of September, 1867, may transfer all their respective rights therein, whether real or personal, to the said company hereby incorporated, and on the execution of a sufficient deed or deeds thereof such rights so far as transferred shall be vested in the hereby incorporated company, without prejudice however to any claims against or in respect of such property which shall subsist and be in force as if this act had not been passed; and the parties interested shall, in addition, have all such recourse against the company hereby incorporated, as their acts or promises may lawfully subject them to.

Power to
acquire the
Brewster
property.

8. The company hereby incorporated may sell, dispose of, realize, get in and collect all the rights, claim and interest in the said Brewster property, which may become vested in them, and, in so far as not converted into shares in the capital stock of the company hereby incorporated,

Power to
manage and
dispose of said
property.

Parties interested may convert their interest into shares in the capital stock of the company.

the net proceeds of all such rights, claims and interests shall be, by the said company, paid over to the parties interested, by dividends, from time to time, as realized, in proportion to their respective interests, but, at any time before such payment, the party or parties interested may make option to have his or their proportion of such proceeds, or such part thereof as he or they may indicate, converted and applied to the payment of capital shares in the said company, or in payment of calls on such capital shares, and a notice in writing to the company or its managing agent shall entitle such party or parties interested to have such application made, so long as any of the shares of the company, remain unallotted and such written notice shall, according to its purport, be proof of such option by the party or parties interested, and the company incorporated by this act, immediately on its passing, shall have power to deal with the said property so acquired under the said deed in receiving transfers or conveyances thereof, or of any rights thereto or therein, realizing the same, and distributing the proceeds thereof, although the present act may not be put in force for any other purpose.

Company may hold real estate for five years.

9 The company may hold such real estate as, being mortgaged or hypothecated to them, may be required by them for the protection of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same; provided always, that the company shall sell any such real estate within five years after so acquiring it.

Office in London.

10. The company may have an office in London, England, for such purposes as the directors shall determine, and the bonds, coupons or dividends of the company may be made payable at any place in London aforesaid, and in sterling or currency.

Transmission of shares by marriage, death, &c.

11. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the directors shall, from time to time require, or by any by-law may direct; and in case the transmission of any share of the capital stock of the company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share so transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such de-

claration shall be binding upon the company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the company, and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

12. If the directors of the company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the company to make and file in the Superior Court for Lower Canada, a declaration and petition in writing, addressed to the justices of the said court, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said superior court; provided also, that unless the said superior court otherwise order, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Directors may petition Sup. Court respecting doubtful claims.

Proviso.

Proviso.

13. The company may acquire, hold, alienate and convey, any real estate necessary or requisite for the carrying on of the undertaking of such company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this act, and which by law are incident to such corporation.

General corporate powers.

14. The affairs of the company shall be managed by a board of not less than five nor more than nine directors, and the persons named in section one of this act shall be the directors of the company until replaced by others duly named in their stead.

Board of directors.

First directors.

15. No person shall hereafter be named a director unless he be a shareholder owning stock in his own right and not in arrear in respect of any call thereon, and the

Qualification of directors.

major part of the directors must be residents within the Dominion of Canada and British subjects.

Election of
directors.

16. The directors to be hereafter named shall be elected, by ballot, or by acclamation without a ballot if so agreed upon, by the shareholders in general meeting of the company assembled at such times, in such manner, and for such term not exceeding two years as the by-laws of the company may prescribe, and until a by-law shall be made for the purpose, the election shall take place annually.

Notice of
meetings.

17. Notice of the time and place for holding general meetings of the company shall be given at least thirty days previously thereto in some newspaper published at, or as near as may be to, the office or chief place of business of the company.

Voting.

18. Every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy.

Vacancies.

19. Vacancies occurring in the board of directors may be filled for the unexpired term by the board, from among the qualified shareholders.

President.

20. The directors shall, from time to time, elect from among themselves, a president of the company, and shall also name, and may remove at pleasure, all other officers thereof.

Provision in
case of failure
of election.

21. If at any time an election of directors be not made or do not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected.

Powers of
directors.

22. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law, nor to this act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the directors, their term of service, and the quorum necessary for the transaction of business, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration.

By-laws for
divers
purposes.

ration and that (if any) of the directors, the time at which and place where the annual meetings of the company shall be held, the calling of meetings, regular and special, of the board of directors, and of the company, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force; provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

How to be confirmed.

Proviso: calling special meetings.

23. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in this province.

Proof of by-laws.

24. The stock of the company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by the by-laws of the company shall be prescribed.

Stock to be personalty. Transfer.

25. The capital stock shall be allotted when and as the directors, by by-law or otherwise, may ordain.

Allotting stock.

26. The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such time and places, and in such payments or instalments as this act may require or allow; and interest shall accrue and fall due upon the amount of any unpaid call, from the day appointed for payment of such call.

Calling in instalments.

27. The company may enforce payment of all calls and interest thereon, by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the

Action for calls; what only need be alleged and proved.

company under this act; and a certificate under their seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Calls must be paid before transfer.

28. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders in arrear not to vote.

29. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

Books to be kept by the company.

30. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

What they shall contain.

1. The names, alphabetically arranged, of all persons who are or have been shareholders;

2. The address and calling of every such person, while such shareholder;

3. The number of shares of stock held by each shareholder;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

5. All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of entry thereof; and—

6. The names, addresses and calling, of all persons who are or have been directors of the company; with the several dates at which each ever became or ceased to be such director.

Books to be open to shareholders and creditors.

31. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the office or chief place of business of the company, and every such shareholder, creditor or representative may make extracts therefrom.

Books to be *prima facie* evidence.

32. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the company, or against any shareholder.

Company not bound to see to trusts on shares.

33. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same may stand in the books of the company, shall be a valid and binding dis-

charge to the company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

34. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to any third party, therefor; provided, always, that nothing in this section shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Contracts, bills, notes, &c., by the company how to be executed.

Proviso as to bank notes.

35. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against such shareholder.

Liability of shareholders.

36. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Liability of Shareholders.

37. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward and interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral secu-

As to stock held by persons in a representative capacity.

ity, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Voting on such stock.

38. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder.

Penalty for lending company's money to shareholders.

39. No loan shall be made by the company to any shareholder, and if such be made, all directors and other officers of the company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the company for the amount of such loan.

Service of process on the company.

40. Service of all manner of summons or writ whatever upon the company, may be made by leaving a copy thereof at the office or chief place of business of the company, with any grown person in charge thereof, or elsewhere with the president or secretary thereof; or if the company have no known office or chief place of business, and have no known president or secretary, then, upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the company.

Actions between company and shareholders.

41. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Interpretation of

42. The following words and expressions, in this act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

"The company,"

1. The expression "the company" shall mean the company incorporated by this act;

"The undertaking,"

2. The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the company is authorized to undertake and carry on;

"Real estate,"

3. The expression "real estate" or "land" shall include all real estate, messuages, lands, tenements and hereditaments, of any tenure;

"Shareholder."

4. The word "shareholder" shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder.

CAP. XXXVII.

An Act to amend the Act incorporating the Montreal City Passenger Railway Company, of Montreal.

[Assented to 23rd December, 1871.]

WHEREAS it has been represented by the said company, Preamble.
by its petition, that it would be for the advantage of the said company and of the citizens of Montreal, that the said company should have the privilege of reducing the gauge of its railway, and have prayed for an amendment to their act of incorporation authorizing them to reduce the said gauge; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Montreal City Passenger Railway Company, of Montreal, is hereby authorized, from time to time, as may be convenient, to reduce the gauge of its railway, in the city of Montreal and in its neighborhood, to such uniform gauge, not less than two feet six inches in width, as may be determined upon by the company; provided always that before effecting any change of gauge within the limits of the city of Montreal, the resolution of the said company, authorizing such change without any other formality, shall be submitted to the corporation of the city of Montreal, for its approval, without which approval the present act shall be inoperative and of no effect, and it will not be in the power of the said company to make use of the said new gauge out of the limits of the said city, in and upon any road or roads in the possession of the trustees of the Montreal turnpike roads, unless the said company be previously authorized to that effect by the said trustees; provided also, that the said corporation of the city of Montreal and the said trustees may impose on the said company such restrictions as they may deem necessary as a condition of such consent. Company may reduce the gauge of its railway with the consent of the corporation or of the road trustees as the case may be.

2. The determination of the company to change its said railway in conformity with this act, shall be expressed at an annual meeting of the shareholders of the said company, or at some special meeting of shareholders called for that purpose, which purpose shall be expressed in the advertisement and notice calling such meeting, and such determination may be contained in a resolution or by-law passed at such meeting in the way in which the said shareholders of the said company are authorized to resolve or vote at such meeting. How determination to that effect shall be expressed and made public.

CAP. XXXVIII.

Act to incorporate the Dominion Homestead Building Society.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the persons hereinafter named, have, by petition, represented that with a view of providing cheaper and better Homestead Dwelling Houses and other buildings for a large and eminently useful class of the community, who unaided cannot become owners absolute of houses or dwellings such as comfort, health and decency demand; and also for the construction of other good and useful works, for commercial and sanitary purposes, whereby the requirements of society will be better served, and the public health and convenience more economically than heretofore promoted and subserved, the petitioners desire to engage in the business of acquiring all such lands and building lots, and erecting, temporarily holding, and afterwards transferring or otherwise disposing of all such buildings, houses or other premises as are or may be necessary to meet the wants, or supply the requirements hereinbefore mentioned, anywhere within the province of Quebec; and whereas they desire to be enabled to make, whenever advisable, such transfer and sale without payment in cash down, that is to say, on credit or time, with entire safety; and therefore require to have certain facilities for recovering back property previously agreed to be sold, when the conditions of sale have not been performed by the intending purchaser of the said property, and that they may be enabled to do so to better advantage, by association and the aid of a charter of incorporation, and have prayed for an act to that end; and whereas it is expedient that such prayer be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

1. James Ferrier, Charles J. Brydges, George Moffatt, Kenneth M. Moffatt, Robert J. Reekie, D. Lorn Macdougall, William E. Phillips, Joseph Hickson, Noel H. Bowen, and William O. Buchanan, together with all such other persons as shall become stockholders in the society hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of the "Dominion Homestead Building Society."

Name.

Business of society.

2. The said society shall have power to acquire and hold by lease, purchase or other legal title any lands, building lots, houses, buildings and other premises and

appurtenances or things requisite and needful to construct, erect, build, and maintain any and all sorts of dwelling-houses and ware-houses, and to lease, sell, convey, and dispose of the same as the society may deem for its own advantage and the public good ; and also to lend one-fourth of its money in security by mortgage of real estate, provincial government bonds or other securities, or in the stock of any chartered bank within the province.

3. The capital stock of the society shall be the sum of Capital stock. five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, which said capital stock may, from time to time, be increased by vote of the stockholders at any special meeting of the society called together for the purpose, to an amount not exceeding two million dollars in the whole, but only as the wants of the society may require or circumstances render advisable.

4. The capital stock shall be paid in by the subscribers Payment of instalments on shares. thereto, as the directors of the society may require or the society's by-laws provide, and if not paid on the day named, interest thereon shall, after the said day, be chargeable upon the amount due and remaining unpaid, and in case any instalment or instalments, together with the interest accrued thereon, shall not, after such demand or notice as the by-laws so provide or the directors so require, be paid within the time limited by such notice, the directors may, by vote, reciting and after duly minuting the facts in the records, summarily forfeit any shares whereon such payment is not made, and the same shall thereafter become the property of the society.

5. The stock of the society shall be deemed personal Assignment of shares. estate, and be assignable in such manner, and subject to such regulations as the society's by-laws prescribe.

6. At all meetings of the society every shareholder, not Votes of shareholders. being in arrears in respect of any instalment, shall be entitled to vote, as follows :

For each share, one vote.

No member shall, at any time, act as proxy for more than one hundred shares, in addition to his own, and all votes shall be given in person or by proxy, and provided only that such proxy is held by another shareholder and is in conformity with the by-law of the society, but voting by proxy shall not be allowed at any meeting of the directors.

7. The affairs of the society shall be administered by a Qualification, election and quorum of directors. board of five directors, holders each of at least twenty-five shares of stock, who shall be elected at the first general meeting and afterwards at each annual meeting of the so-

ciety, to hold office until their successors are elected, and who (if otherwise qualified and not forbidden by the by-laws of the society) may be re-elected, and three of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board shall at its first meeting thereafter, but only for the period intervening between any such appointment and the next annual meeting of the society, fill the vacancy thereby occasioned by appointing any other qualified shareholder thereto; but a failure at any time to elect directors, or any failure of directors, shall neither vitiate any legitimate proceeding nor dissolve the corporation, and an election may be made at any general meeting of the company called for the purpose.

Power of board
of directors.

8. The board of directors shall have full power in all things to administer the affairs of the society, to make or cause to be made any purchase or purchases and every description of contract which the society may lawfully make; to adopt a common seal, and make from time to time any and all by-laws necessary and not contrary to law, regulating the calling in of instalments, and the registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock or of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the society; the security to be given by them; their remuneration; time and place for holding meetings; the calling of meetings; the requirements as to proxies; the proceedings on all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the society; but every such by-law, and every repeal, amendment or re-enactment thereof, shall have permanent force only after being sanctioned by a general meeting of the society, and every copy of any by-law under the seal of and signed by the proper officer of the society shall be received in all courts of law as *prima facie* evidence of such by-law, and every repeal, amendment or re-enactment aforesaid shall be submitted for such sanction at the first general meeting of the society subsequent to its adoption.

Provisional
board of direc-
tors.

9. Until the first election of such board, the said James Ferrier, Charles J. Brydges, George Moffatt, Kenneth M. Moffat, Robert J. Reekie, D. Lorn MacDougall, William E. Phillips, Joseph Hickson, Noel H. Bowen, and William O. Buchanan, or any five of their number, shall be a temporary or provisional board of directors, with full power to fill

vacancies, open stock-books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the society, which such first general meeting shall be called within thirty days after the organization of the society, at such time and place within this province as they shall determine; at which meeting the by-laws of the society shall be submitted for the approval of the shareholders, and any other act necessary or proper in the way of completing the organization of the society and providing for the management of its affairs done and performed.

10. The society shall not be bound to see to the execution of any trust whether expressed, implied, or constructive in respect of any shares, and the receipts of the person in whose name the same shall stand in the book of the society shall be a discharge to the society for any dividend or other money payable in respect of such shares, whether or not notice of such trust shall have been given to the contrary, and the society shall not be bound to see to the application of the money paid upon such receipt. Society not bound to see to trusts on shares.

11. The shareholders shall not as such be held responsible for any act, default or liability whatsoever of the society, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the society, above or beyond the amount remaining unpaid upon their shares in the stock thereof. Liability of shareholders limited.

12. All promissory notes, bills of exchange, contracts or other engagements, made on behalf of the society by the directors, officers, agents, or servants of the society in accordance with their power under this act, and the society's own by-laws, or by direct vote of the society, shall be binding upon the society, and in no case need the seal of the society be affixed thereunto, nor shall such directors, officers, agents or servants thereof, become individually liable to any third party therefor; but the society shall issue no bank note or notes to be circulated as money. Prom. notes, &c., to be binding on society, but not on officers individually. Provide.

13. Upon an agreement being made by the said society, for the sale of any house or other property of whatsoever kind, held by them, it shall be lawful for the said society to execute in favor of the intending purchaser, a lease of the same for the time stipulated in such agreement as the limit of the delay thereby fixed for the payment of the last instalment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such price and with the terms of payment of such price, And if such lease appear by its terms to have been made under the provisions of this act, it shall not Agreements for sale to be mere leases until all conditions are fulfilled.

be held to convey to such intending purchaser any right in or to any property so intended to be sold, or any real right therein whatever, nor shall the possession thereof, by any intending purchaser, be held to be possession as proprietor: nor shall any legal or other hypothec be thereby or otherwise created there against or attach thereon, notwithstanding that such lease shall contain a direct promise of sale of such property whenever, and not before the conditions thereof shall have been performed, until the sum of money stipulated for in such lease and every part and portion thereof, shall with all the interest due thereon, and all charges, conditions and obligations created by or due under any such lease shall have been fully paid, performed and fulfilled.

Fulfillment of conditions of leases shall give ownership and render valid, hypothecs, &c., previously granted by lessee.

14. If the intending purchaser or lessee under this act, accepts a lease of any property intended to be acquired by him from such society he shall make all the payments, and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him; the said lease so made and accepted shall thereupon and thereafter be held to be, and shall be equivalent to a promise of sale of such property with possession; and shall vest the same in such intending purchaser in the same manner, and to the same extent as if it were an ordinary promise of sale (*promesse de vente*); and shall give the right to the holder thereof, to demand and receive from the said society a valid deed of sale of the property described therein, containing warranty of title, and against all charges thereon other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, created by the intending purchaser during the pendency of the said lease, shall immediately thereupon attach to such property according to their rank and privilege, and the date of their enregistrement in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

Society after notice given may retake property for non-payment of instalments, upon reimbursing money paid less certain deductions.

15. If at any time three months' arrears of instalments, stipulated for in any such lease, shall become due, and shall remain unpaid, the said society shall have the right to retake possession of the property so promised to be sold, upon giving to the intended purchaser or lessee thereof twenty days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in said lease, after the deduction therefrom of interest at the rate of ten per centum per annum, on the price agreed upon remaining unpaid each year, for the time during which

the premises agreed to be sold remained in the occupation of the intending purchaser, by way of rent, for the use and occupation of such premises; and of ten per centum of the amount actually paid in, to be retained as a forfeiture and penalty for non-performance of conditions of lease or agreement of purchase, of the cost of such tender, of the expense of repairs, and restoring all deteriorations done to or sustained by the premises so intended to be sold, reasonable wear and tear alone excepted, and all taxes, charges, assessments, or other dues which attach thereto, by the occupation thereof by the intending purchaser or lessee, and which shall remain then unpaid or unfulfilled; all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him.

But if the instalments payable annually, under such ^{Proviso.} lease, shall amount to less than ten per centum upon such price, then and in that case the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

16. If at the end of twenty days after service of such notice and tender, the intending purchaser or lessee, shall not vacate and deliver back to the said society, the premises ^{Proceedings to recover possession of property.} or property, so intended to be bought by him, then the said society shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the code of civil procedure of Lower Canada, commencing with article 887, in the same manner and with the same delays in all respect, as if such lease were an ordinary lease; save and except only that the jurisdiction of the court, which shall have the right to hear and determine such proceedings, shall be ascertained, regulated and established by the amount which shall have been actually paid to the said society under such lease; and not by either the amount due or to become due, or that of the damages alleged. And the cost awarded to the said society, in any ^{Costs.} action instituted under this act, shall also be a charge upon and be deducted from the amount of money actually paid in by any intending purchaser or lessee.

17. Any tender made by the said society, shall be held to be sufficiently made, if the society shall have *bona-fide*, ^{What shall be deemed a sufficient tender.} used diligence to ascertain the amount which they shall be entitled to retain out of the purchase money paid in by the intending purchaser, notwithstanding that the amount tendered, may not be precisely that which should have been so tendered according to the provisions hereof, and in such case the society and the intending purchaser, shall have the right to recover each from the other, the amount which may have been over or under estimated and tendered.

Recourse of
society if
sum paid be
insufficient to
meet charges.

Proviso.

Commence-
ment of opera-
tions.

How society
may close busi-
ness and wind
up.

Previous notice
of general
meetings.

18. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon, and deduction therefrom, hereinbefore provided for, the said society shall have the same lien, privilege or hypothec and remedies, as an ordinary lessor, upon the effects of the intending purchaser or lessee for the balance remaining due; provided always that such balance does not exceed in amount the sum chargeable against such intending purchaser by way of rent for the use and occupation of the premises intended to be sold.

19. The society shall not commence business operations under this act until one tenth part of its capital stock shall have been subscribed, and until at least fifteen thousand dollars of their capital stock shall have been paid in; provided always, that unless operations be commenced under this act within five years from the passing thereof, and continue *bonâ-fide*, this act of incorporation shall be null and void.

20. And if at any time the directors shall consider it expedient to cease carrying on the business of the said society, and to wind up and finally close the same, they shall always have the power of doing so, in such manner as they shall deem best for the interests of the stockholders, provided that in the notices calling any meeting for the purpose of considering the winding up and closing of said society and its business, such intention shall be distinctly signified to the stockholders, and the consent and confirmation of a majority of those present at any such meeting, have thereupon been deliberately given and obtained.

21. No general meeting of the society shall take place, under this act, unless a previous notice to that effect shall have been given during two weeks in two newspapers published in the district wherein the society will carry on business.

C A P. XXXIX.

An Act to correct certain errors in the English version of Chapter 46, of the 34th Victoria, concerning the "*Société de Passage du Pont Neuf de St. Hyacinthe.*"

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS certain errors have crept into the English version of the act of this province, thirty-fourth Victo-

ria, chapter forty-six ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In section three of the said act, line thirteen, the following words, "its representatives" are struck out, and the following, "assigns, (the *ayants droit*,)" are substituted therefor ; in section thirteen, line five, the word "on" is substituted to the word "or," and in section fifteen, line eight, the words "in respect of" are struck out, and the word "opposite" substituted therefor.

English ver-
sion of Sec. 3
of 34 V. c. 46
amended.

C A P . X L .

An Act to enable the Corporation of the Town of Sherbrooke to make good a certain contribution made in aid of the sufferers by the Chicago Fire.

[Assented to 23rd December, 1871.]

WHEREAS the Municipal Council of the Town of Sherbrooke have contributed and paid the sum of one thousand dollars towards the relief of the sufferers by the Chicago fire, and whereas the inhabitants of the said town are desirous that the said contribution be legalized, and that means be provided for making good the same ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. The resolution passed by the Municipal Council of the town of Sherbrooke, on the sixteenth of October last past, whereby the sum of one thousand dollars was appropriated towards the relief of the sufferers by the Chicago fire, is hereby ratified and allowed, and the said Municipal Council is hereby empowered to make, amend or repeal any by-law or by-laws for the purpose of levying, by direct taxation on all the taxable property of the municipality, the said sum of one thousand dollars, to replace and make good the amount so contributed and paid in virtue of the resolution aforesaid.

Contribution
ratified and
amount allow-
ed to be levied
by taxation.

C A P . X L I .

An Act to incorporate the College of Sorel.

[Assented to 23rd December, 1871.]

WHEREAS for several years past, there has existed in the town of Sorel, a classical and commercial educa-

Preamble.

tional establishment, known as the "College of Sorel;" and whereas the ground and buildings occupied by the said institution are at present under a good and valid title, the property of the catholic episcopal corporation of the diocese of St. Hyacinth, and the said episcopal corporation, represented by His Grace Charles Larocque, Lord Bishop of St. Hyacinth for the time being, has, by its petition, prayed from the legislature the incorporation of the said college, and the transfer of all rights of property in the said educational establishment, to the said corporation; and whereas, in consideration of the great advantages which the public must necessarily derive from such institution, it is expedient to grant the said prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

College incorporated;
name; of
whom the
corporation
shall consist.

1. A body politic and corporate shall be and hereby is constituted in the town of Sorel, under the name of the "College of Sorel," and the said corporation shall be formed and composed of the following persons, designated as well for the present as for the future, by the office or duty which they now do and hereafter shall fulfil, that is to say: of the roman catholic bishop of the diocese of St. Hyacinth, of the *Curé* of Sorel, of the superior, of the director, and of the administrator of the college of Sorel, of two of the professors in the said college, named by the diocesan bishop, and of Michel Matthieu, esquire, sheriff, residing in Sorel, for his life, as directors.

Common Seal.

2. The said corporation shall, under the name aforesaid, have perpetual succession and a common seal, which it may change, alter, break and renew, when and so often as it may deem expedient, and it may, under the said name, at all times, buy, acquire, hold and possess, take and receive, for the members thereof and their successors, for the uses and purposes of the said corporation, all rents and movable and immovable property; provided that the annual value of the said property does not exceed twelve thousand dollars, not including therein the buildings required for the said college, and the land on which they are or may be erected, and it may sell, hypothecate, alienate and dispose of the same and purchase others in lieu thereof for the purposes aforesaid, and may under the said name, lawfully prosecute to judgment, sue and be sued, plead and be impleaded, in all courts of justice and other places whatsoever, as fully and efficaciously as any other body politic and corporate or any other persons whatsoever may lawfully do. And the lands and buildings now occupied by the said "College of Sorel" shall, after the passing of this act, belong to the said corporation for the purposes thereof.

Limitation of
property

Property of the
institution
vested in the
Corporation.

3. The said corporation may appoint an administrator ^{Appointment of an administrator.} for the management and administration of the affairs of the said college, and shall have full control over the said administrator, and may remove and replace him when the same shall appear advisable.

4. The said corporation shall also hereafter have full ^{Power to make regulations, &c.} power and authority to make and establish such statutes, rules, orders and regulations, not contrary to this act, nor to the laws of this province, as it may deem advantageous and necessary in the interest of, and for the government and administration, of the said corporation, and the same amend, change or repeal at any time.

5. The roman catholic bishop of the diocese shall be ^{President ex-officio, vice-president and secretary.} *ex-officio* the president of the said corporation, and a vice-president shall be appointed from among the members thereof, who shall be entitled to replace the president during his absence, as also a secretary, and a majority of the members of the said corporation shall be sufficient for the management and administration thereof.

6. The said corporation shall be bound to make an ^{Report to the Legislature.} annual report to the Legislature, containing a general statement of its affairs, which said report shall be presented within the first twenty days of each session of the Legislature.

CAP. XLII.

An Act to incorporate "The French Canadian Institute," of Montreal.

[Assented to 23rd December, 1871.]

WHEREAS there has for several years existed in the city ^{Preamble.} of Montreal, an association known as "The French Canadian Institute," established with the object of supplying means of study and instruction to the French Canadian youth; and whereas the persons hereinafter named, officers or members of such association, have prayed to be incorporated under the name of "The French Canadian Institute," and it is just to grant their demand; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Honorable Gédéon Ouimet, U. E. Archambault, ^{Association incorporated.} L. A. Jetté, A. Lacoste, Joseph M. Valois, H. F. Rainville, M. C. Desnoyers, Gédéon Bourdeau, Alfred Dumouchel and A. McMahon, together with such other persons as now

are, or who may hereafter become members of the said institute, shall be, and they hereby are constituted a corporation or body politic in fact and in law, under the name of
Name. "The French Canadian Institute."

Corporate powers, &c.

2. The said corporation, under its legal title shall have perpetual succession, shall continue to possess as proprietor all the real and personal estate, books, debts, claims and rights, belonging to the said association, at the time of the passing of this act, and shall be entitled to acquire and possess, for the purposes of its institution, by purchase, gift, devise or otherwise, real estate not exceeding in annual value twenty thousand dollars, including therein the value of that which it already possesses, with power to sell, alienate and hypothecate such real and personal estate, and to acquire other in lieu thereof.

Property limited.

All members considered as of age for certain purposes.

3. Notwithstanding articles 246 and 324 of the civil code, all persons who either now do, or who hereafter shall form part of the said association, shall be deemed to be of full age, in respect of the exercise of the rights and obligations attached to their quality of members of the same; provided always that no person shall be held to be a member of the said corporation, until he shall have attained the full age of seventeen years.

Proviso.

Constitution and by-laws of the association to be those of the corporation.

4. The constitution and by-laws of the said association, in force at the time of the passing of this act, shall, in so far as they are not modified by the provisions herein contained, continue to be the constitution and by-laws of the said corporation, until they shall have been altered or repealed by the said corporation, to which such power is granted, as also that of making, when it shall be considered advisable, any other constitution or by-laws.

Officers of association to continue in office.

5. The officers of the said association in office at the time of the passing of this act, shall continue to discharge the duties of their respective offices, until they shall have been replaced in conformity with the constitution and by-laws aforesaid.

Recovery of contributions, &c.

6. All contributions, subscriptions, fines or debts of any nature whatsoever, due to the said association at the time of the passing of this act, under the constitution or by-laws thereof, may be lawfully sued for in the name of the said corporation, but no action shall be instituted against a minor for what he owes to the said association before the date of its present incorporation.

Proviso.

Power to affiliate with other corporations.

7. The said corporation shall be entitled to affiliate itself unto any society, academy, university, association or corporation whatsoever, established for literary, scientific, artis-

tic or mechanical purposes, which it may deem advisable, or may affiliate to itself any such society, academy, university, association or corporation, on such terms as appear favorable; and, in either case, the resolution or by-law under which such application shall have taken place, shall be published in the *Quebec Official Gazette*, during one month.

8. It shall be the duty of the said corporation, to submit to the lieutenant-governor, whenever required to do so, a detailed statement of the immovable property or real estate possessed by it, under this act, and of the revenues arising therefrom, as also a statement of its receipts and expenditure.

Return to
lieut.-governor
when required.

C A P. XLIII.

An Act to incorporate "The Trafalgar Institute" for the Education and training of the middle and higher ranks of females.

[Assented to 23rd December, 1871.]

WHEREAS the persons hereinafter mentioned have, by Preamble. their petition, prayed for an act of incorporation of a Seminary or Institution, for the Education and training of the middle and higher ranks of females, to be called "The Trafalgar Institute," and it is expedient that the prayer of their petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Donald Ross, of the parish of Montreal, in the province of Quebec, Esquire, and such successor or successors to the said Donald Ross as may be appointed and nominated as such, from time to time, by the board of trustees of St. Paul's church, hereinafter mentioned, from amongst the members of such board; the Very Reverend William Snodgrass, D. D., principal of Queen's college, Kingston, in the province of Ontario, and his successors principals of said college, the Venerable William T. Leach, L. L. D., archdeacon of Montreal, in the province of Quebec, in connection with the church of England in Canada, and his successors, archdeacons of Montreal; John W. Dawson, L. L. D., principal of McGill College, in Montreal, aforesaid, and his successors, principals of said McGill college; the Reverend John Jenkins, D. D., minister of the church of Scotland, in Montreal aforesaid, called and known as "St. Paul's Church," and his successors, minis-

Certain persons incorporated,

Name and corporate powers.

ters of the said St. Paul's church; the Reverend Gavin Lang, minister of the church of Scotland, in Montreal, aforesaid, called and known as "St. Andrew's Church," and his successors, ministers of the said St. Andrew's church; the Reverend Donald Ross, B. D., a minister of the church of Scotland, residing at Chatham, in the province of Quebec; Alexander Mitchell, of Montreal, aforesaid, merchant, and such successor and successors of the said Alexander Mitchell as may be appointed and nominated as such, from time to time, by the Kirk session of said St. Andrew's church from amongst their members; and Alexander Macpherson, of Montreal aforesaid, merchant, and such successor and successors to the said Alexander Macpherson, as may be appointed and nominated as such, from time to time, by the Kirk session of said St. Paul's church from amongst their members, shall be and they are hereby constituted a body corporate and politic, in name and in deed, by the name of "The Trafalgar Institute," for the education and training of the middle and higher ranks of females, and by such name shall have a perpetual succession and a common seal, with power to change, alter, break, or make new the same, as often as they shall judge expedient; and by such name shall and may contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered, in all courts and places whatsoever in this province; and by such name shall be able and capable in law to purchase, take, have, hold, receive, enjoy, possess, and retain, without license in mortmain, or *lettres d'amortissement*, all messuages, lands, tenements and other description of real or immovable property, moneys, goods, chattels, debts, credits and other description of personal or movable property, by any and every description of title, whether gift, purchase, devise, will, lease, or other description of title whatsoever; provided always that the real or immovable property to be held permanently by the said corporation shall not exceed in annual value the sum of thirty thousand dollars currency; and the same to let, lease, mortgage, exchange or otherwise alienate, subject and without prejudice to such trusts as may be declared of and concerning the same, in the title under which they are or may be held; and may and shall do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner, to all intents, constructions and purposes whatsoever, as any other body politic or corporate by law may or ought to do, perform and execute.

Power to make by-laws.

2. The said corporation shall have power and authority to frame and make statutes, ordinances, by-laws, rules and regulations, touching and concerning the conduct and

management of the affairs, moneys, property and effects of the said institute, the good government of the said institute, the performance of divine service therein, the studies, lectures and exercises of such institute, the qualification, appointment, residence and removal of the principal, teachers and officers and servants of the said institute and touching and concerning any and every other matter or thing which to the said corporation may seem good, fit, or useful for the said institute.

3. The real estate situate on the south-eastern slope of the mountain, fronting on the Côte des Neiges road, in the parish of Montreal, and known as the Trafalgar property, which was purchased and acquired from the said Donald Ross, of the parish of Montreal, esquire, by the said other persons mentioned in the first section of this act, by deed of sale executed on the thirtieth day of June, one thousand eight hundred and seventy-one, before William Ross, notary public, under the number thirteen thousand six hundred and nine, is hereby vested in the said corporation "The Trafalgar Institute."

4. The death of any of the persons mentioned in the first section of this act, or of any of their successors, or the failure of appointment of a successor to, or vacancy from time to time in any of the offices of principal, archdeacon, and minister enumerated in the said first section, or the failure of appointment of successors to the said Donald Ross, Alexander Mitchell, and Alexander Macpherson, or any of them, shall not dissolve, or otherwise impair or affect the said corporation, which shall continue to subsist, to all intents and purposes whatsoever, as fully and effectually as if no such death, failure of appointment of a successor or successors, or vacancy, had occurred.

C A P. X L I V .

An Act to amend Act 32 Victoria, chapter 72, concerning the enlargement of the Cemetery of Notre-Dame-des-Neiges, and also Act 33 Victoria, chapter 52, intituled : An Act to amend Act 32 Victoria, chapter 72, concerning the Cemetery of Notre-Dame-des-Neiges, and for other general purposes.

[Assented to 23rd December, 1871.]

WHEREAS by and under an act passed in the thirty-second year of Her Majesty's reign and designated

as being chapter seventy-two of the statutes of the Legislature of this Province, during the said year, certain powers have been granted to the *Fabrique* of the Roman Catholic parish of Notre-Dame de Montréal, for the enlargement or extension, by way of expropriation, of the Cemetery owned by the said *Fabrique*, and known under the name of "Cimetière de Notre-Dame-des-Neiges"; and whereas by and under another act passed in the thirty-third year of Her Majesty's reign, being chapter fifty-two of the statutes of the Legislature of this Province passed during the said year, certain provisions of the first act above mentioned have been amended; and whereas it is now expedient to further amend the provisions of the said two acts above mentioned with a view to make the said provisions more effective and the better to insure the due execution thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Additional
sections after
sec. 7 of 32 V.
c. 72.

After service
of the petition
and register-
ing of a notice
the owner shall
not sell.

Proceedings in
case of absence
of owner.

1. The two following sections are introduced after section seven of the said act thirty-second Victoria, chapter seventy-two.

7a. From and after the service of the said petition either on the party or parties or in his, her or their absence, at the prothonotary's office as hereinafter provided, and the registering in the registry office of the Montreal division, of a notice embodying the substance of the allegations of the said petition and designating the piece of land to be expropriated, the proprietor, possessor, holder or party interested in the said piece of land shall cease to have the power to sell or alienate the same validly, and any sale or alienation agreed upon or consented by him shall be *de facto*, null and void so far as the said *Fabrique* is concerned, and the said *Fabrique* may go on with their proceedings in the same manner as if such sale or alienation had not taken place; provided that the proceedings of the said *Fabrique*, be afterwards begun within three months from the date of the said notice, and prosecuted thereafter with diligence.

7b. In case of absence from the province of the owner of the piece of land which the said *Fabrique* shall have resolved to acquire for the enlargement or extension of their said Cemetery of Notre-Dame-des-Neiges, such absence may be stated and recorded in a return made by a bailiff in the manner usually adopted for summonses; and upon the deposit at the office of the prothonotary of the superior court of the district of Montreal, of the petition of the said *Fabrique* together with the bailiff's return, such absentee shall be notified of all proceedings instituted or had against him, her or them by a short notice drawn up in the form usually

employed in summonses against absentees, in conformity with the provisions of the Code of Procedure, and at the expiration of two months from the last insertion or publication of such notice, if the said party or parties appear, the procedure shall take its regular course, in the same manner as if the service or signification of the said petitions had been made upon the said party or parties personally; but if the said party or parties fail to appear, they shall be held to have been regularly *mis en cause* to all purposes and intents of the present act, and the service or signification of all other documents, notices, or other papers, *pièces de procédure* whatsoever, which it may be necessary subsequently to serve on such party or parties, may be made by a simple service upon the prothonotary of the said court, and shall be held to all intents and purposes to be a personal service upon such party or parties.

2. The following words are added to the first section of the said thirty-third Victoria, chapter fifty-two : fSec. 1 of 33 V. c. 52 amended.

And in default of such designation by either of the said parties, or in the event of the absence of such party or parties, the judge or the court shall appoint *ex officio*.

3. The following words are added to section three of the said act thirty-third Victoria, chapter fifty-two : Sec. 3 of said act amended.

And in default of such appointment by either of the said parties within a delay of ten days, or in the event of absence as aforesaid, the judge or the court shall appoint *ex officio*.

4. Sections seventeen and eighteen of the said act thirty-second Victoria, chapter seventy-two, are by these presents repealed, and the following substituted : Secs. 17 and 18 of 32 V. c. 72 repealed and replaced.

17. Within fifteen days after the confirmation and homologation of the report of the commissioners, the said *Fabrique* shall deposit and pay into the office of the prothonotary of the superior court of the district of Montreal (of which such payment and deposit, the prothonotary of the said court is hereby ordered to deliver to the said *Fabrique* a written certificate or acknowledgment,) the price or compensation fixed upon and determined in the said report; and such certificate of payment and deposit shall constitute, in favor of the said *Fabrique*, a legal title to each of the pieces of land or immovables aforesaid, and thereupon the owners of the same and all other parties interested shall be expropriated, and the said *Fabrique* shall be the sole and only owner thereof, and may take immediate possession thereof without further formality, and use the same for the purposes authorized by this act. Deposit by fabrique of price fixed by report. Effect of such deposit.

18. The expropriation made under the authority of this act shall have the effect to remove, and expunge, any hypothec or mortgage or privilege with which the said pieces of land Claims against the land shall be removed and connected

into claims
against the
money.

or immovable may at the time be charged and encumbered; but the price or compensation deposited in the office of the prothonotary of the said court, as aforesaid, shall represent and take the place of the said pieces of land and of immovables or part or parcel of immovables, as regards the hypothecary or privileged creditors who shall retain their position and priority in the distribution to be subsequently made of the moneys deposited in conformity with this act.

Court to regulate the distribution of the money.

5. When the moneys shall have been tendered and deposited in the office of the prothonotary of the said court as hereinbefore provided, it shall be lawful for the said superior court to determine and decree the mode or manner of bringing before the said court the creditors of the person to be indemnified or his assigns, and all other parties interested, and to make and issue such orders as to the said court may appear equitable for the return or distribution of the said moneys or for any other matter relating to or concerning the claims or pretensions of the parties interested; provided always that when the price or compensation shall be paid in full or in part to the person to be indemnified (but this proviso shall not be deemed to apply to his creditor,) the amount of such price or compensation shall not be liable to the tax imposed under the authority of the act passed in the twelfth year of Her Majesty's reign, chapter one hundred and twelve, nor to the commission to which the prothonotary of the said superior court is entitled, nor to any tax, commission or rate whatsoever.

Proviso as to tax on commission upon the amount deposited.

12 V. c. 112.

Sec. 4 of 33 V. c. 52 amended.

6. Section four of the said act thirty-third Victoria, chapter fifty-two, is hereby amended by substituting the word "six," for the word "three," in the third line of the said section.

How evidence shall be taken.

7. Notwithstanding any provisions to the contrary contained in the said acts thirty-second Victoria, chapter seventy-two, and thirty-third Victoria chapter fifty-two, the commissioners appointed for the purposes of the said acts and of this act, shall take or cause to be taken in writing, the depositions of the parties, witnesses and church wardens, in the manner and form usual in the superior court, and the said deponents shall be sworn and their depositions attested by one of the said commissioners or by all or the majority of them, and the said depositions shall be thereafter annexed to the report to form part thereof for the purposes hereinafter provided.

Filing of report and of separate report in case of disagreement.

8. On the day fixed for the production of the report the commissioners or the majority of them shall file the said report in the office of the superior court in Montreal, but if

one of the said commissioners does not agree with his colleagues, respecting the conclusions or grounds of the said report, it shall be lawful for him to produce a separate report.

9. At the expiration of the five days, which follow the deposit of the report of the said commissioners in the said office, any party interested may, by petition served upon the adverse party, pray the judge or court, as the case may be, to homologate the said report, and, in the fifteen days which follow such homologation, the said *Fabrique* shall deposit in the said office the amount of the indemnity fixed by the report of the said commissioners so homologated, and may thereupon take immediate possession of the land expropriated for all lawful purposes whatsoever as the absolute proprietors thereof.

Homologation
of report—pro-
ceedings
thereon.

10. In the fifteen days which follow the homologation of the said report, notwithstanding any provisions to the contrary contained in the said acts thirty-second Victoria, chapter seventy-two, and thirty-third Victoria, chapter fifty-two, it shall be lawful either for the said *Fabrique* or for any other party interested, and notwithstanding that the homologation of the report has been demanded by the said *Fabrique* or by the said party, to appeal from the judgment of homologation so rendered, by writ in the usual manner according to the provisions of the code of civil procedure, and after security for costs has been given, directly to the court of Queen's bench, sitting in appeal, to ask upon the evidence taken before and produced by the said commissioners, the augmentation or diminution, only, of the indemnity accorded to the expropriated proprietor; and no question of law, form or procedure, on any other point in the cause, shall be received on such appeal.

Appeal from
judgment of
homologation.

11. Notwithstanding the appeal, the sum deposited by the *Fabrique* may be forthwith distributed in conformity with the fifth section of this act, but in the case of an appeal by the *Fabrique*, by reason of the excessive indemnity allowed to the expropriated proprietor, the sum, which the said *Fabrique* contends to be so in excess of the reasonable compensation to which the said proprietor was entitled, shall remain deposited in the office of the prothonotary, and shall not be distributed until a final decision be had upon the said appeal, unless the expropriated proprietor offers good and sufficient hypothecary security for the reimbursement of the said sum in the event of the indemnity being reduced in appeal, in which case the whole sum deposited may be distributed or paid as aforesaid.

Money to be
distributed
notwithstand-
ing appeal, but
if fabrique
appeal the
excess cannot
be paid without
security.

12. The expenses incurred in establishing the indemnity to be paid to the party expropriated, shall be borne by the

As to expenses
of establishing

indemnity and costs of appeal. said *Fabrique* of Montreal, and such expenses shall be taxed by the court or judge, as the case may be, or by the said court of Queen's bench sitting in appeal, and the said superior court or judge and the said court of Queen's bench, in adjudicating upon the said appeal, shall have full power and authority, in the event of its appearing to them, that the proof produced by any party has been superfluous and useless, to reject the same, or to cause the expense of such superfluous and useless proof to fall upon the said party; the costs in appeal shall be borne by the party who shall fail before the said court.

And whereas in addition to the aforesaid provisions, it is expedient and advantageous as well for the *Fabrique* as for the parishioners of the said parish of Notre-Dame de Montréal, to provide a more expeditious and easy mode for the enregistering of sales, or exchanges and retrocessions of church pews, in the said parish, and of burying lots in the said cemetery, and also for a more summary proceeding for the disinterment of bodies, in the said cemetery, in certain cases, and to provide principally for the keeping of good order in the said cemetery, it is further enacted :

Church pews and burying lots may be disposed of by deed *sous seing privé*. **13.** In case of any sale, exchange or retrocession of church pews or of burying lots, in the said cemetery, it shall not be necessary that the deeds of such sale, exchange or retrocession be executed before a notary, but they may be made or executed *sous seing privé* by the *curé*, the chief warden (*marguiller en charge*) and the secretary-treasurer, and before witnesses, if one of the parties cannot sign his name; and the said acts or deeds shall be deemed as authentic, as also any copy thereof that may hereafter be delivered under the signature of the *curé*; the said *Fabrique* shall keep and retain in their archives, the originals of the said acts or deeds, copies whereof shall be delivered when required.

Deeds and certain copies thereof to be authentic.

Mode of disinterment in certain cases.

14. When it shall be deemed necessary to disinter the body of any person interred in the said cemetery, with the sole view of repairing the vault or coffin in which such body is deposited, or to transport a body to any other part of the same cemetery, then, upon the written request of the parents or representatives of the person so interred, the body of such person may be disinterred by the said *Fabrique*, permission therefor having been previously asked and obtained from the *curé*, without the request and formalities prescribed by chapter twenty-one of the consolidated statutes for Lower Canada.

C. S. L. C. c. 21.

Constables for the maintenance of order in the cemetery.

15. Any justice of the peace, upon the request of the *curé* and chief warden, (*marguiller en charge*) may appoint and swear one or more constables, for the purpose of

enforcing, under their orders and directions, the keeping of good order in the said cemetery, and such constables are hereby, for that purpose, authorized and empowered to arrest any person contravening or offending against the following provisions.

16. If any person, in the said cemetery,

1. Creates any disturbance, or idles about without any apparent good motive or behaves in an indecent manner, or sells or offers for sale any liquor, fruit, cakes, candy, or any other article whatsoever, or forms part of a pleasure party or of any profane assemblage, or resists or refuses to withdraw from the premises when ordered to do so by any person in charge or the keeper of the said cemetery acting in the execution of his duties;

Persons who may be arrested on view.

2. Or wilfully or maliciously destroys, injures, mutilates, deforms or removes any tablet, grave-stone, monument or other erection within the said cemetery, or any fence, paling, railing or other erection for the protection of the said cemetery or of such monument, grave-stone, tablet or other erection aforesaid, or of any burying lot within the said cemetery, or wilfully or maliciously destroys, cuts, breaks or injures any tree, shrub, plant, flower within the limits of the said cemetery; or plays at any game, or discharges fire arms (excepting in cases of military funerals) or disturbs the persons assembled in the said cemetery for the burial of a body, or in fine commits any nuisance whatsoever within the said cemetery;

Other such persons.

Any such person so offending and contravening as aforesaid may be arrested by any person in charge or keeper as aforesaid, and taken before a justice of the peace or any other court having competent jurisdiction in the premises, and shall be liable, for each such offence, to a penalty not exceeding fifty dollars and of not less than five dollars, according to the nature of the offence; and in default of payment of such penalty, such person shall be liable to an imprisonment in the common jail of the district of Montreal, during a period of not less than five days and not exceeding one month.

Punishment of such persons.

17. And such person so offending and contravening shall be also liable to an action for trespass before any court of competent jurisdiction, and such action shall be instituted by the said *Fabrique* for the payment of all damages that may have been caused by such illegal acts; and the amount of the said penalty, if paid, and of such damages, shall be applied, under the direction of the said *Fabrique*, either to the keeping of or repairs to the said cemetery, or to the burial of the poor who are interred therein.

Their liability for damages.

Application of penalty and damages.

CAP. XLV.

An Act to amend "An Act to afford relief to a certain Religious Congregation, at Montreal, denominated Presbyterians, and for other purposes."

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the religious congregation or society, styling themselves Presbyterians, and usually known as the American Presbyterian Church of Montreal, was empowered, under the provision of the act of the legislature of Canada, first William the fourth, chapter fifty-six, to have a register of baptisms, burials, and marriages kept by the minister of the said congregation, and have prayed for certain amendments to the said act, and other relief hereinafter mentioned, and it is expedient to grant the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Minister to have power to keep register of baptisms, burials and marriages.

1. The minister of the said religious congregation or society, duly settled and installed over said religious congregation or society, having taken the oath of allegiance, and doing clerical duty as such minister, shall have full power and authority to keep, in the manner required by law, a register of baptisms, burials and marriages, and to grant authentic extracts or copies of such registers, and the sixth section of the said first William the fourth, chapter fifty-six, and any other act or law restricting or limiting the power and capacity of the minister of the said congregation, in respect of such register, is hereby repealed.

Registration in Superior Court valid, and 27 and 28 Vic., cap. 163, sec. 25 amended.

2. The registration which, by the trustees of the said religious society, incorporated under the act of the late province of Canada, twenty-seventh and twenty-eighth Victoria, chapter one hundred and sixty-three, caused to be made in the office of the prothonotary of the superior court at Montreal, is declared to be valid and effectual to all intents and purposes, notwithstanding that such registration was, by the twenty-third section of the said last mentioned act, directed to be made in the office of the prothonotary of the court of Queen's bench therein referred to; and the said twenty-third section of the said act is hereby amended by striking out the words "court of Queen's bench" therein, and inserting in place thereof the words "the superior court;" provided, nevertheless, that this section shall not affect suits actually pending before any court nor unsettled open successions.

Proviso.

CAP. XLVI.

An Act to incorporate "*Les missionnaires de Notre-Dame, S. J.*"

[Assented to 23rd December, 1871.]

WHEREAS the Reverend Fathers Pierre Point, superior, Preamble.
Firmin Vignon, Zéphirin Resther, and others, priests
and religious members of the Company of Jesus, residing
at Quebec, in the building of the "Congregation de Notre
Dame," form a body whose object is to perform the various
functions of their office, in cities and in country places,
such as the preaching of missions and retreats, and to as-
sume the direction of religious congregations, brotherhoods
and societies, both of men and women; and also, at the
request or with the permission of their lordships the Roman
catholic bishops, or of any one of them, to devote them-
selves to other works for spiritual or moral purposes, by
preaching, precept and education; and whereas, in order
to consolidate their establishment and to favor its prosperity
and progress, they have prayed for leave to form a corporate
body enjoying civil and political rights; Therefore, Her
Majesty, by and with the advice and consent of the Legis-
lature of Quebec, enacts as follows :

1. The above-named petitioners and all other persons, Certain per-
sons incorpo-
rated.
who may in future be legally associated with them in vir-
tue of the present act, are hereby constituted a body poli-
tic, and shall form a corporation under the name of "*Les
missionnaires de Notre-Dame, S. J.*"

2. The said corporation shall, under the same name, General
corporate
powers.
have perpetual succession, and shall have all the rights,
powers and privileges of other corporations, and particularly
of those having a religious, spiritual or moral object. It may
at all times, admit other members and establish them in
one or more places. It may also, at all times and places by
purchase, gift, devise, assignment, loan or in virtue of this Power to
acquire, sell,
hypotheate,
&c., property.
act, or by any other lawful means and legal title, acquire,
possess, inherit, take, have, accept and receive any movable
or immovable property whatever, for the usages and pur-
poses of the said corporation, and the same may hypothe-
cate, sell, lease, farm out, exchange, alienate and finally dis-
pose of lawfully, in whole or in part, for the same pur-
poses; provided that such immovable property shall not Proviso--annu-
al value not to
exceed \$10,000
and immov-
ables not to be
held longer
than five years;
exceed, in annual value, the sum of ten thousand dollars,
over and above the value of the immovables used for the
purposes of the said corporation, and provided also that if
the said corporation shall become possessed of real estate

exceeding the annual value of ten thousand dollars, as aforesaid, it shall be bound to sell such surplus property within five years from the acquisition of the same, and to invest the proceeds of such sale in mortgages or in other valid securities.

Power to make
by-laws for
certain
purposes.

3. The said corporation shall have full power and authority to make, establish and sanction, all rules, regulations and by-laws, not contrary to this act or to the laws in force in this province, but which it may judge necessary and advantageous for its proper administration, either for the admission, the resignation, changing and residence of its members, or for the acquisition, possession, administration and alienation of its movable and immovable property, or for the appointment, removal from office and changing of its superiors, administrators, directors and other officers, to whom it may confide or restrict its authority and powers, to govern in its name, and to manage its affairs or its responsibility. It shall also have full power and authority to amend, correct and repeal, in whole or in part, the same rules, regulations and by-laws, and to substitute others in lieu thereof.

4. The said corporation shall be bound to make a statement of its affairs to the legislature, when required by the lieutenant-governor in council.

CAP. XLVII.

An Act to incorporate "*L'Œuvre du Patronage de Québec.*"

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS Charles Narcisse Hamel, Jean Baptiste Cloutier and the Very Reverend Thomas Etienne Hamel, all of the city of Quebec, have, by petition, represented, that for ten years past, they and others have composed and maintained, by voluntary contributions, in the city of Quebec, a certain charitable association, known as "*L'Œuvre du Patronage de Québec,*" established for the purpose of educating and settling in life children and young people of the poorer class, and that for the better attainment of the objects of the said association they are desirous that the same be vested with corporate powers; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Charles Narcisse Hamel, Jean Baptiste Cloutier and the Very Reverend Thomas Etienne Hamel, and such other persons as are now or who may hereafter become members thereof in virtue of this act, shall be, and they are hereby constituted a body politic and corporate, under the name of "*L'Œuvre du Patronage de Québec*," for the purposes aforesaid, and by that name shall have power, at all times, and at any time hereafter, to accept contributions, gifts, donations in money or property, by will or otherwise, to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, property movable and immovable, including the immovable they already possess under the name of "*Le Séminaire des missions étrangères de Québec*," and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, for the same purposes; provided always, that such real estate shall not exceed the annual value of ten thousand dollars over and above the real estate occupied for the purposes of the said corporation; provided also, that if the said corporation shall become possessed of real estate exceeding the annual value of ten thousand dollars, as aforesaid, it shall be bound to sell such surplus property within five years from the acquisition of the same, and invest the proceeds thereof in public securities of the dominion, stocks of chartered banks, mortgages, or other approved securities, for the use of the said corporation.

Certain persons incorporated.

Name and corporate powers.

Power to acquire and dispose of property.

Proviso.

2. The said corporation shall possess a common seal, which may be altered, changed and renewed from time to time by the board of directors, and shall also sue and be sued, plead and be impleaded in all actions in which the said association is a party in all courts of justice in this province.

Common seal, &c.

3. The entire management and control of the association shall reside in the board of directors, which shall consist of a president, vice-president, secretary-treasurer, chaplain, His Grace the Catholic Archbishop of Quebec, or the person administering in his place, and of such other persons as may, from time to time, be thereunto appointed, by the board of directors, and the quorum of the said board shall be three.

Board of directors.

4. The board of directors shall have full power and authority to make and establish such rules, regulations and by-laws not inconsistent with this act or with the laws in force in this province, as they may deem expedient and necessary for the interest and administration of the affairs of the said corporation, and for the admission of members thereof, and the same to amend and repeal, from time to time, in whole or in part, and also such regulations

Powers of the board of directors.

and by-laws as may be in force at the time of the passing of this act, but the by-laws and regulations to be hereafter made shall have no force or authority unless the same shall have been approved by His Grace the Catholic Archbishop of Quebec or the person administering in his place.

Property of the
association to
pass to the
corporation.

5. The real and personal estate at present the property of the said association, shall be, and the same is hereby transferred to the said corporation, and the said corporation shall be charged with all the liabilities and obligations of the said association, and the members of the same shall not be personally responsible for the obligations thereof.

Present officers
to continue as
such.

6. The present officers of the *Œuvre* namely, Charles Narcisse Hamel, president, Jean Baptiste Cloutier, vice-president, Charles Perreault Lindsay, secretary, Simon Roy, treasurer, and the Very Reverend Thomas Etienne Hamel, chaplain, shall be the officers of the said corporation, until they shall have been replaced in the manner hereinafter provided by this act.

How vacancies
in board shall
be filled.

7 In case of a vacancy among the members of the said board, through absence from the province, death, resignation or otherwise, such vacancy shall be filled by the other members of the said board, within the six months next after it has occurred ; and whenever any such change shall take place among the officers of the said board of directors, it shall be the duty of the said board, within fifteen days from the date of such appointment, to lodge in the office of the superior court for Lower Canada, in the district of Quebec, a declaration under the signature of the president or vice-president thereof, establishing the name of any person, who shall have been so selected an officer of the said board, as also the name of the person who has ceased to be an officer of the said corporation.

Disposal of
property in the
event of disso-
lution.

8. In the event of the dissolution of the said corporation, the properties thereof, after the payment of the debts, shall belong to the Roman catholic archiepiscopal corporation of Quebec.

Annual re-
turns to the
legislature.

9. The said corporation shall make annual reports to the lieutenant-governor and to both houses of the legislature, containing a general statement of the affairs of the association, which said reports shall be presented within the first twenty days of every session of the legislature.

CAP. XLVIII.

An Act to amend the Act 22 Vict., Cap. 125, intituled : An Act to incorporate the Ladies' Protestant Home of Quebec.

[Assented to 23rd December, 1871.]

WHEREAS the Ladies' Protestant Home of Quebec, Preamble.
have by their petition represented that it is desirable that a certain restriction against their acquiring real property by gift, devise or bequest, be removed; and it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The first section of the said act, twenty-second Victoria, chapter one hundred and twenty-five, is hereby amended by striking out the words, " if made at least six months before the death of the party making the same," in the twenty-fifth and twenty-sixth lines of the said section. 22 Vic., cap. 125, sec 1, amended.

CAP. XLIX.

An Act further to amend the Act incorporating the "Saint Patrick's Hall Association, of Montreal."

[Assented to 23rd December, 1871.]

WHEREAS by the act passed in the thirty-second year Preamble.
of Her Majesty's reign, intituled : " An Act to amend the Act incorporating the "St. Patrick's Hall Association, of Montreal," the said association was authorized to increase the amount of its capital stock, in the manner therein specified, or to borrow money in the event of their being unable to dispose of such increase of stock, for the purposes mentioned in the preamble of the said amending act; and whereas the additional stock, under the said amending act issued, and the money so borrowed have been found insufficient for the said purposes, and it is necessary to borrow therefor an additional sum of twelve thousand dollars, or so much of that sum as may be obtained on loan in money, with right to the said association to increase the capital stock by such an amount as may be required to make up the balance of the said twelve thousand dollars; and whereas they have petitioned for power so to do, and it is expedient to grant the prayer of their said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Association
may borrow to
the extent of
\$12,000.

1. It shall be lawful for the said association to borrow in this province or elsewhere, such sum or sums of money, not exceeding twelve thousand dollars, as may be required to pay off such debts and claims as may be outstanding against them, and incurred in making the repairs and other works in and about the St. Patrick's Hall, as mentioned in the said preamble.

They may
issue addition-
al stock to
make up for
what they
cannot borrow.

2. In the event of the association being unable to obtain the full sum of twelve thousand dollars to borrow, then they are and shall be authorized to issue additional stock under the provisions of their act of incorporation, and the said act amending the same, to an amount sufficient to make up such balance of twelve thousand dollars as they may have been unable to borrow as aforesaid.

Power to give
bonds and
mortgages to
secure sums
borrowed and
interest.

3. The said association may give their bonds, obligations or other securities for the sums so borrowed, and may mortgage or pledge the lands, revenues and other property of the said corporation for the due payment of the said sums and interest thereon at such rate as may be agreed upon at the time of borrowing the same.

C A P . L .

An Act to incorporate "*La Société Bienveillante des Cordonniers de Québec.*"

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS the president and a certain number of the members of "*La Société Bienveillante des Cordonniers de Québec*" have, by their petition, represented to the legislature that such association has been constituted with the view of affording mutual assistance to its members in the event of sickness, old age, or infirmity, and for other purposes of benevolence only; and whereas the members of the said association have prayed to be incorporated, and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain per-
sons incorpor-
ated.

1. Messrs. Louis Bilodeau, Joseph Lachance, Marcel Rochette, Achille Boucher, Guillaume Bresse, George Paquet, and such other persons as now are members of the said association, or who may hereafter become members thereof in virtue of this act, or any by-laws made in virtue thereof, shall be and they are hereby constituted a body

politic and corporate, under the name of "*La Société Bienveillante des Cordonniers de Québec*," and by that name may exercise each and every the general powers whereof corporate bodies are possessed, regard being always had to the provisions of this act; and may, by any legal title, acquire, hold, and enjoy any estate whatever, real or personal; and may hypothecate, alienate, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof, provided that such real estate shall not exceed the value of eight thousand dollars over and above the real estate used for the purposes of the society.

Name and corporate powers.

Power to acquire, and hypothecate property.

Proviso.

2. All the real and personal estate of the said association, and all the rights and claims thereof, shall become the property of the said corporation, and the members of the same shall not be personally responsible for the obligations thereof.

Property of the association to pass to the corporation

3. One-fourth of the members of the said corporation present at any meeting held or convened according to the by-laws of the corporation in force for the time being, shall have full power and authority to make all by-laws respecting the government of the corporation, the administration of its affairs, the admission of new members, the meeting of the association, the fixing of the contributions, whether annual, monthly or otherwise, which shall be paid by the members, the election or appointment of a president, vice-president, secretary-treasurer and other officers, and to define their powers, and respecting the control and behavior of the said administrators and officers and of the members of the association, and shall have power to impose by such by-laws a fine not exceeding two dollars currency, for infraction thereof, and all such by-laws may be repealed, changed or amended by any subsequent by-laws.

Power to make by-laws for certain purposes.

4. The existing by-laws of the said association, if they are not contrary to this act and to the laws of this province, shall be the by-laws of the said corporation, until repealed or amended in the manner prescribed by this act; and the present officers shall be the officers of the said corporation until others shall have been elected in conformity with the by-laws of the said association and according to law.

By-laws of the association to be those of corporation.

5. The association, by a two-thirds vote of its members, shall also have full power, from time to time, to regulate the conditions on which any person shall continue to be a member thereof, to determine the relief which shall be granted to members in the event of sickness, old age and infirmity, to their widows and orphans, and generally to make

Power to determine relief to be granted.

and establish all such by-laws as shall thereto appear necessary to enable the said corporation to attain fully and by all lawful means, the object for which the said association has been constituted.

Recovery of
sums due.

Members may
withdraw.

6. All subscriptions and all fines, due or to become due to the corporation under any by-laws may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time on payment of all accounts by him due to the corporation, inclusive of his subscription for the year then current.

Moneys granted
for aid to
be exempt
from seizure.

7. No sum of money granted by the said corporation, in virtue of its constitution or any by-law, for the purpose of aiding or assisting any member when sick, or the widow or orphans of any deceased member, shall be liable to seizure, either before or after judgment; provided always that nothing contained in the present section, shall prejudice in any manner whatsoever, the right of any creditor with regard to moneys due by the corporation to any member, either by reason of a contract, or other undertaking entered into between the said corporation and such member.

Annual re-
turns to
legislature.

8. The said corporation shall be bound to make annual reports to the lieutenant-governor and to both houses of the legislature, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

C A P. L I.

An Act to authorize the Bar of Lower Canada, Province of Quebec, to admit George Gregory Smith, as an attorney and advocate.

[Assented to 23rd December, 1871.]

Preamble.

WHEREAS George Gregory Smith, of St. Albans, in the State of Vermont, one of the United States of America, counsellor at law, hath, by petition, represented that he has given special attention to the study of law for a considerable period of time in the United States of America, and has been, after examination, admitted to practice in the State and Federal Courts of the United States of America, and has practised therein without interruption, and is a commissioner of the said United States of America; and whereas the said George Gregory Smith, hath prayed that

he may be admitted to practice as an attorney and advocate without the usual period of probation as a student at law; and whereas the members of the bar of this province, in general meeting assembled in the city of Montreal, have by resolution consented that the prayer of the said George Gregory Smith be granted him, and that an act of Parliament should pass and be to him allowed for that purpose, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for the bar of the province of Quebec, section of Montreal, and the examiners thereof, at any time after the passing of this act, to admit the said George Gregory Smith, as an attorney and advocate, and to practice law as such, as soon as he has passed the usual examination, after giving notice of one month of his intention to be so examined, any law, usage or regulation to the contrary notwithstanding.

Montreal sec.
of Quebec Bar
after examina-
tions and no-
tices may
admit George
Gregory Smith.

CAP. LII.

An Act to authorize the Provincial Board of Notaries to admit, after examination, William Fahey, to practise as a Notary.

[Assented to 23rd December, 1871.]

WHEREAS William Fahey, of the city of Montreal, in this province, law student, has, by petition, represented that he was duly bound by indentures unto Mtre. Joseph Garon, notary, on the twenty-fifth September, one thousand eight hundred and sixty-three, that he was admitted to study the notarial profession by the board of notaries of the district of Kamouraska, on the fifth November, one thousand eight hundred and sixty-three, that such indentures were duly registered in the office of the board of notaries of Kamouraska, on the seventh January, one thousand eight hundred and sixty-four, as it appears by the certificate of the secretary of said board, affixed to the copy of said indentures fyled with his said petition; that he has studied the said notarial profession regularly and without interruption from the twenty-fifth September, one thousand eight hundred and sixty-three, to the sixth November, one thousand eight hundred and sixty-six, under the said Joseph Garon at Rimouski, and from the sixth November, one thousand eight hundred and sixty-six, to the third March, one thousand eight hundred and sixty-eight, under Henry

Preamble.

C. Austin, notary, at Quebec, to whom a transfer of indentures of the said William Fahey was duly made on the fifth November, one thousand eight hundred and sixty-six, before John Doyle, notary, at Quebec, which said transfer was registered on the sixth December, one thousand eight hundred and sixty-six, as it appears by the certificate of the secretary affixed to the copy of the said transfer, and by the certificates of the said Garon and Austin fyled with his petition, and that although the said William Fahey has been under the necessity of interrupting his regular studies of the notarial profession, he, nevertheless, has continued them, from time to time ; and whereas by the said petition, he hath prayed that the provincial board of notaries of Quebec, upon due and satisfactory examination, be authorized to admit him to practise as a notary ; and considering the short space of time which has elapsed since the interruption of his clerkship ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Board of
notaries after
examination
may admit
William
Fahey.

1. The provincial board of notaries, upon due proof to their satisfaction, after he shall have undergone the examination required from candidates for admission to the said profession, that the said William Fahey has completed his term of study as prescribed by law, and has a sufficient knowledge of law and of the practice of the notarial profession, may admit the said William Fahey to practise as a notary, any law or usage to the contrary notwithstanding.

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